Generic Names Supporting Organization

Issues being discussed in the GNSO

- Next generation gTLD Registration Directory Services to replace WHOIS

- gTLD Subsequent Procedures

- Review of Rights Protection Mechanisms, including the UDRP

- Curative Rights Protections for IGO/INGOs

- GNSO Review

- Others – currently there are over 15 projects underway

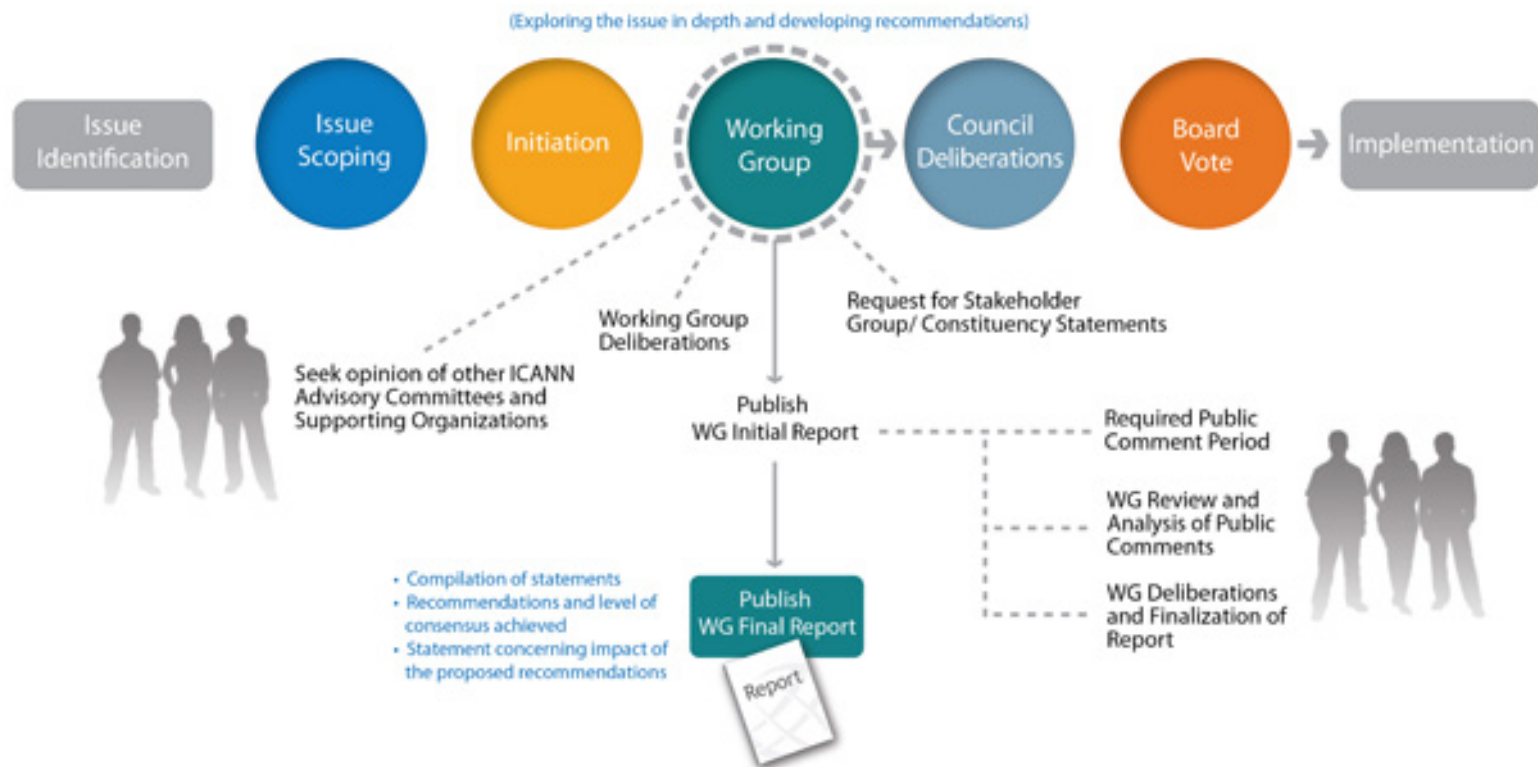# Next Generation gTLD Registration Directory Services to Replace WHOIS PDP

Marika Konings

Background

On 26 May 2015, ICANN Board reaffirmed its request for a Board-initiated PDP to:

> "define the purpose of collecting, maintaining and providing access to gTLD registration data, and to consider safeguards for protecting data, using the recommendations in the EWG's Final Report as an input to, and, if appropriate, as the foundation for a new gTLD policy."

The Final Issue Report incorporates input received and follows the approach as outlined by the Process Framework developed by the ICANN Board and GNSO Council published 26 April 2015 (see http://whois.icann.org/sites/default/files/files/next-generation-rds-framework-26apr15-en.pdf)
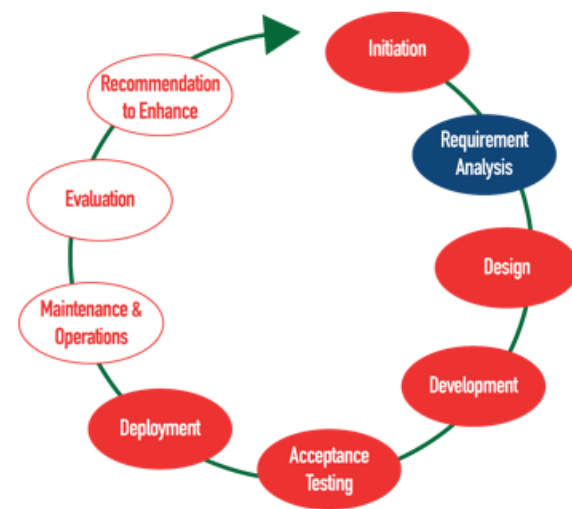
PDP WG initiation activities completed

- GNSO Council approved WG Charter on 19 November 2015
- Call for Volunteers initiated on 4 January 2016
- Initial WG Meeting on 26 January 2016
- WG Composition: 137 WG Members & 95 Observers as of 16 February 2016
- WG Leadership Team: Chuck Gomes (Chair), David Cake (Vice Chair), Susan Kawaguchi (Vice Chair), Michele Neylon (Vice Chair)

During the first phase

- The PDP WG should, **at a minimum**, attempt to reach consensus on the following questions:

  - **What are the <u>fundamental requirements</u> for gTLD registration data?** When addressing this, the PDP WG should consider, at a minimum, *users and purposes and associated access, accuracy, data element, and privacy requirements*

  - **Is a new policy framework and next-generation RDS needed to address these requirements?**

    - **If yes, what <u>cross-cutting requirements</u> must any next-generation RDS address**, including *coexistence, compliance, system model, and cost, benefit, and risk analysis requirements*

    - **If no, does the current WHOIS policy framework sufficiently address these requirements?** If not, what revisions are recommended to the current WHOIS policy framework to do so?
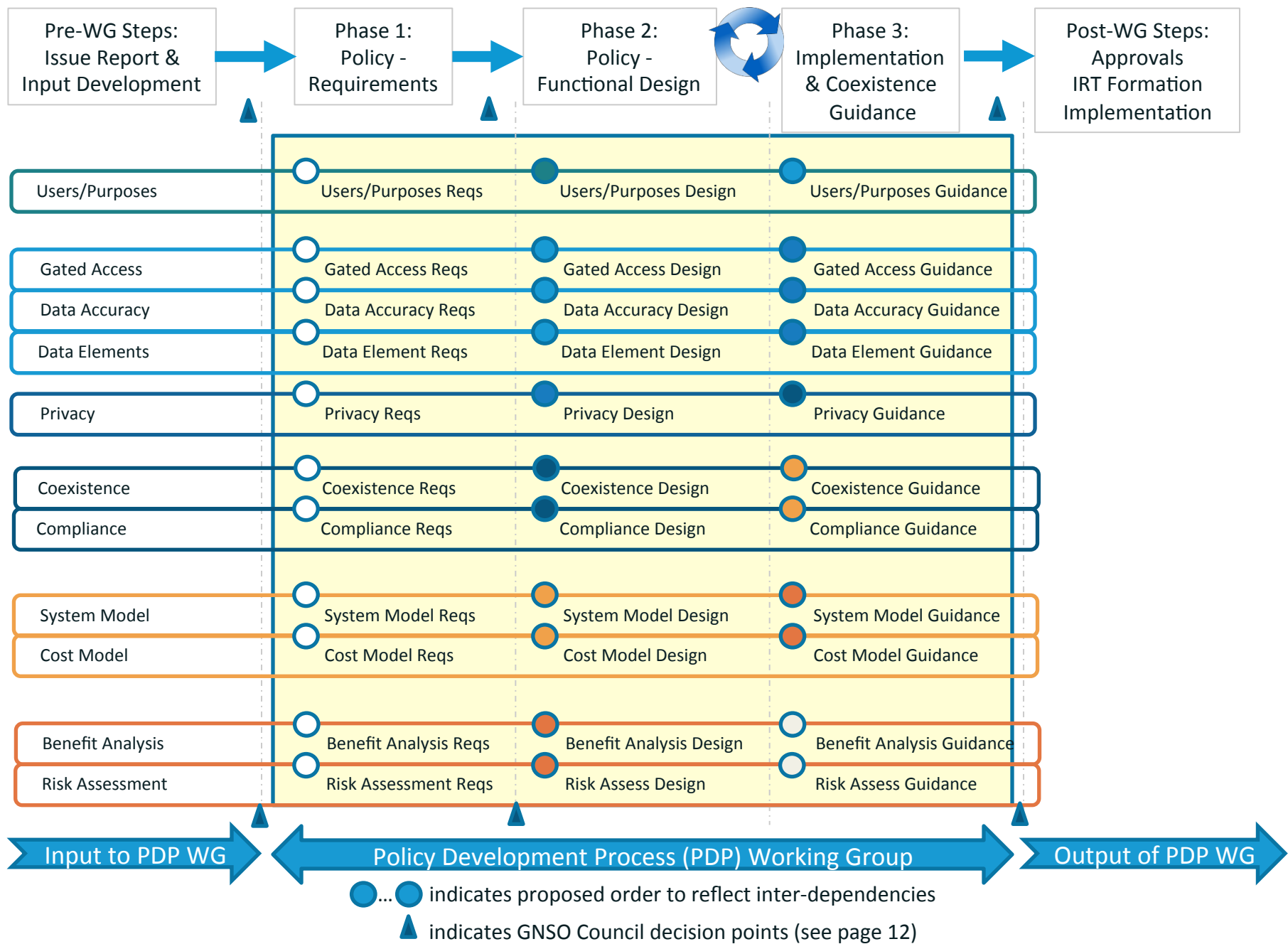
Specific questions to consider

As part of its deliberations, consider *at a minimum*:

1. **Users/Purposes** – who should have access & why?

2. **Gated access** – what steps should be take to control data access for each user/purpose?

3. **Data accuracy** – what steps should be taken to improve data accuracy?

4. **Data elements** – what data should be collected, stored, disclosed?

5. **Privacy** – what steps are needed to protect data and privacy?

6. **Coexistence** – what steps should be taken to enable next-generation RDS coexistence with and replacement of the legacy WHOIS system?

7. **Compliance** – what steps are needed to enforce these policies?

8. **System model** – what system requirements must be satisfied by any next-generation RDS implementation?

9. **Cost** – what costs will be incurred and how must they be covered?

10. **Benefits** – what benefits will be achieved and how will they be measured?

11. **Risks** – what risks do stakeholders face and how will they be reconciled?

Pre-WG Steps: Issue Report & Input Development → Phase 1: Policy - Requirements → Phase 2: Policy - Functional Design → Phase 3: Implementation & Coexistence Guidance → Post-WG Steps: Approvals IRT Formation Implementation

Category	Phase 1	Phase 2	Phase 3
Users/Purposes	Users/Purposes Reqs	Users/Purposes Design	Users/Purposes Guidance
Gated Access	Gated Access Reqs	Gated Access Design	Gated Access Guidance
Data Accuracy	Data Accuracy Reqs	Data Accuracy Design	Data Accuracy Guidance
Data Elements	Data Element Reqs	Data Element Design	Data Element Guidance
Privacy	Privacy Reqs	Privacy Design	Privacy Guidance
Coexistence	Coexistence Reqs	Coexistence Design	Coexistence Guidance
Compliance	Compliance Reqs	Compliance Design	Compliance Guidance
System Model	System Model Reqs	System Model Design	System Model Guidance
Cost Model	Cost Model Reqs	Cost Model Design	Cost Model Guidance
Benefit Analysis	Benefit Analysis Reqs	Benefit Analysis Design	Benefit Analysis Guidance
Risk Assessment	Risk Assessment Reqs	Risk Assess Design	Risk Assess Guidance

Input to PDP WG | Policy Development Process (PDP) Working Group | Output of PDP WG

○ ... ○ indicates proposed order to reflect inter-dependencies

▲ indicates GNSO Council decision points (see page 12)

3/31/2015

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Further Information

- RDS PDP WG Wiki Workspace
  https://community.icann.org/display/gTLDRDS/Next-Generation+gTLD+Registration+Directory+Services+to+Replace+Whois

- WG Charter
  https://community.icann.org/display/gTLDRDS/WG+Charter

- Final Issue Report
  http://whois.icann.org/sites/default/files/files/final-issue-report-next-generation-rds-07oct15-en.pdf

- WG Meeting in Marrakech on Wednesday 9 March, 16:00-18:00
  https://meetings.icann.org/en/marrakech55/schedule/wed-rds

New gTLD Subsequent Procedures PDP

Steven Chan & Julie Hedlund

Purpose of New gTLD Subsequent Procedures PDP

- Determine what, if any changes may need to be made to the existing *Introduction of New Generic Top-Level Domains* policy recommendations from 8 August 2007.
  - Original policy recommendations as adopted by the GNSO Council and ICANN Board have "been designed to produce a systemized and ongoing mechanism for applicants to propose new top-level domains"

- If changes needed:
  - Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidance;
  - Developing new policy recommendations;
  - Supplementing or developing new implementation guidance

Current Status

- Following the work of the New gTLD Subsequent Procedures Discussion Group, the GNSO Council requested a Preliminary Issue Report on 24 June 2015
    - Staff published the Preliminary Issue Report for public comment on 31 August 2015 – 14 comments submitted
    - Final Issue Report incorporated input received and submitted to GNSO Council on 4 December 2015
    - GNSO Council initiated PDP on 17 December 2015
    - GNSO Council adopted Working Group charter on 21 January 2016
    - Call for volunteers published on 27 January 2016

- ~80 WG members and ~ 40 Mail List Observers
- First WG Meeting on 22 February

Next Steps

1 **Confirm WG Leadership**
Paul McGrady, GNSO Council liaison, is interim chair, and the WG needs to decide on its leadership structure and leaders.

4 **Keep Eyes and Ears Open**
There are other review efforts underway or already completed that should be considered by WG

2 **Develop Work Plan**
The WG needs to develop work plan to identify necessary steps, timeline, and milestones.

5 **Seek Input**
As the WG makes progress, it should solicit statements from SG/Cs and as appropriate SO/ACs

3 **Decide on Schedule**
The WG will need to agree to a schedule for its ongoing meetings.

More Information

- Final Issue Report - http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-final-issue-04dec15-en.pdf

- WG Wiki - https://community.icann.org/x/RgV1Aw

- WG meeting at ICANN55 – Thursday 10 March, 09:00—10:30 https://meetings.icann.org/en/marrakech55/schedule/thu-new-gtld-subsequent-procedures

PDP to Review all RPMs in all gTLDs

Mary Wong & Lars Hoffmann

Where are we now and how did we get here?

Feb 2011: GNSO Council requests Issue Report on current state of UDRP

→

Nov 2011: Staff recommends waiting till 18 months after New gTLD Prog launch

→

Dec 2011: GNSO Council requests Issue Report on all RPMs for 18 months after New gTLD Program launch

9 October 2015: Preliminary Issue Report on review of all RPMs in all gTLDs published

→

15 January 2016: Final Issue Report submitted to GNSO Council

→

18 February 2016: GNSO Council meeting on initiating PDP; discussion of scope of WG Charter

What are the RPMs to be Reviewed in this PDP?

Sunrise Period and Trademark Claims Service

Sunrise services provide trademark holders with an advance opportunity to register domain names corresponding to their marks before names are generally available to the public.

The *Trademark Claims* period follows the Sunrise period and runs for at least the first 90 days in which domain names are generally made available to all registrants that are qualified to register domain names within the TLD.

Uniform Rapid Suspension (URS)

The URS was designed as a complement to the UDRP, to provide trademark owners with a quick and low-cost process to suspend domain names based on the same substantive grounds as the UDRP. It applies only to domain names registered in the New gTLDs.

Post-Delegation Dispute Resolution Procedures (PDDRPs)

The PDDRPs provide alternative avenues for a trademark holder who is harmed by a new gTLD registry operator's conduct to obtain redress.

Trademark Clearing House (TMCH)

The Trademark Clearinghouse is a global database of verified trademark information to support rights protection processes. Benefits of inclusion include access to Sunrise Period and Trademark Claims Service.

Uniform Dispute Resolution Policy (UDRP)

The UDRP was created in 1999 and provides a uniform, standardized, alternative dispute resolution procedure to resolve disputes concerning who is the rightful holder of a registered domain name. It is applicable to all domains registered in all generic top-level domains (gTLDs).

How will the PDP be conducted?

Staff Recommendation: review all existing RPMs for all gTLDs in two phases

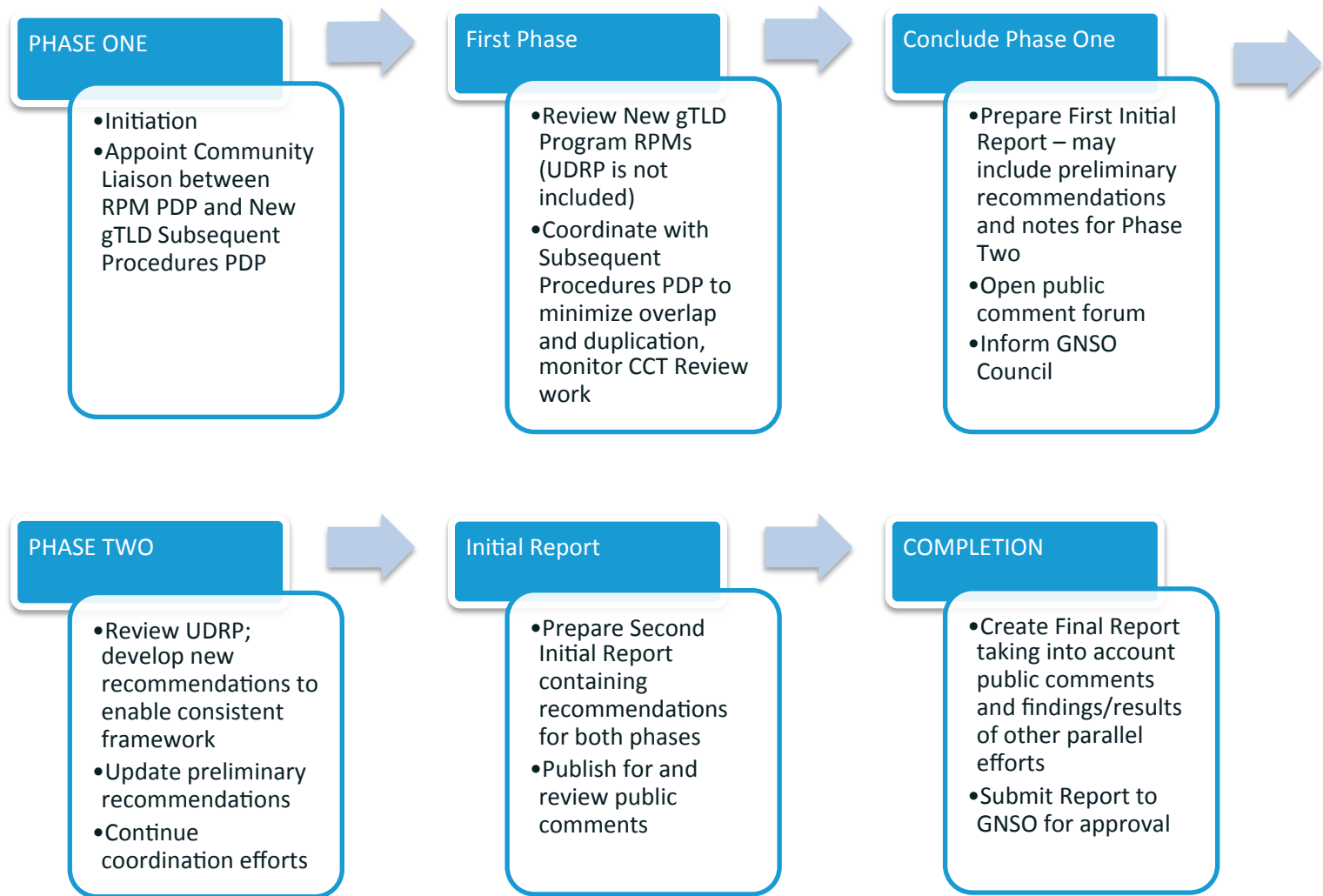Three options outlined in Preliminary Issue Report for public comment

Objectives:
- Align this PDP with other relevant parallel efforts, e.g.:
  - TMCH Review (ongoing)
  - Competition, Consumer Trust and Consumer Choice Review of New gTLD Program (Review Team formed)
  - GNSO PDP on New gTLD Subsequent Procedures (launched in Jan. 2016)
- Develop a consistent overall framework for future reviews

Of the three options described in the Preliminary Issue Report, most community support was for Option3: **Phase One review of RPMs developed for New gTLD Program and Phase Two review of UDRP**

- Level of community support from public comment forum:
  - Option 1: 1 (one) supporter
  - Option 2: 0 (zero) supporter
  - Option 3: 6 (six) supporters
  - Alternative options: 3 (three) different proposals
  - No opinion expressed: 12 (twelve)

Features of the recommended Two-Phased PDP

PHASE ONE
- Initiation
- Appoint Community Liaison between RPM PDP and New gTLD Subsequent Procedures PDP

First Phase
- Review New gTLD Program RPMs (UDRP is not included)
- Coordinate with Subsequent Procedures PDP to minimize overlap and duplication, monitor CCT Review work

Conclude Phase One
- Prepare First Initial Report – may include preliminary recommendations and notes for Phase Two
- Open public comment forum
- Inform GNSO Council

PHASE TWO
- Review UDRP; develop new recommendations to enable consistent framework
- Update preliminary recommendations
- Continue coordination efforts

Initial Report
- Prepare Second Initial Report containing recommendations for both phases
- Publish for and review public comments

COMPLETION
- Create Final Report taking into account public comments and findings/results of other parallel efforts
- Submit Report to GNSO for approval

Next Steps

ICANN55: Council expected to vote on Charter for PDP Working Group	→	Immediately following ICANN55: Call for Volunteers to Join PDP WG	→	End-March/early April: First meeting of PDP Working Group

Info:
⊙ Final Issue Report
http://gnso.icann.org/en/issues/new-gtlds/rpm-final-issue-11jan16-en.pdf

⊙ Public Comment and Preliminary Issue Report:
https://www.icann.org/public-comments/rpm-prelim-issue-2015-10-09-en

Cross Community Working Group (CCWG) on a Framework of Principles for Future CCWGs

March 2014: CWG chartered by ccNSO & GNSO Councils to develop uniform principles to guide formation & operation of future CCWGs

CWG reviewed previous CWG/Joint WG efforts; Community sessions conducted at several ICANN meetings

CWG developing a Framework containing general principles covering all aspects of a CWG lifecycle

CWG lifecycle:
- Scoping, formation & chartering
- Operations – including decision making methodology & definition of consensus
- Closure & follow up

CWG to publish draft Framework for public comment in late February 2016

Final recommendations expected in May 2016

Cross Community WG on Use of Country and Territory Names

Group chartered to address country and territory names as top-level domains only

3-part methodology: 2-character codes, 3-character codes, full names

Preliminary consensus that the rules on 2-character codes shouldn't be changed: remain reserved for ccTLDs

Feedback request sent to SO/ACs and SG/Cs to hear community views on 3-letter codes. Over 30 responses received

Due to diverse community views on 3-character codes: draft Straw Man Proposal planned for ICANN55 to start consensus formation

Current timeline: Draft Final Report by ICANN56

GAC – GNSO Consultation Group to facilitate GAC early engagement in GNSO PDP

Joint initiative to explore and enhance ways of early engagement of the GAC in GNSO PDP

Focused on two tracks: 1) Day-to-Day ongoing cooperation 2) Early engagement in PDP

Improvements implemented to date: GNSO Liaison to the GAC, PDP Quick Look Mechanism

Still working on: Review of GNSO Liaison to the GAC, Review of Quick Look Mechanism, Remaining Stages of the PDP

Update on activities to be provided during GAC-GNSO Joint Meeting in Marrakech

How to Stay Updated

Contact us at: policy-staff@icann.org

Follow us on Twitter:
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@ICANN_GNSO
@ccNSO
@ICANNAtLarge

Sign-up for the **ICANN regional newsletter** of your choice to receive monthly policy and public comment updates: http://info.icann.org/LP---Regional-Newsletter.html

Communication Tools Classroom Session & Working Group Newcomer Webinar:
At the start of every PDP Working Group two newcomer sessions will be held. A communication tools classroom (staff-led) and a Working Group Newcomer Webinar will be held (community-led) aimed at newcomers in the GNSO Working Group setting.

Please contact nathalie.peregrine@icann.org for more details

Thank you!

Pre-ICANN55 Policy Update Webinar Wiki Space:

https://community.icann.org/x/AhWAAw

For recordings, transcripts, slides and more information in preparation for ICANN55.