



# Report of ICANN 44 Prague



**24 - 29 June, 2012**

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# Executive summary

## ccNSO

- As a result of the refusal of the CFO to continue to use the Expense Area Group methodology, the discussions on financial contributions for ccTLDs are effectively put on hold.
- Following an uncomfortable exchange between ccNSO and Board the immediate need for strong leadership is more clear than ever. The Board, CEO (Rod) and staff were unable to answer any of the 4 key questions raised by the ccNSO.
- The Domain Name Registration Data Model which is being developed within the SSAC raised concerns within the ccNSO for being completely outside the security area – and therefore scope of the SSAC.

## GNSO

- GSNO Approves IRD working group final report
- RAA: Remaining issues relate to data retention and verification

## GAC

- GAC puts forward its timeline for evaluating new gTLD strings:
  - Early warnings shortly after Toronto (October 2012)
  - No advice on contentious strings in 2012
- IANA criticized for lack of transparency in evaluation process IDN Fast Track (for example no rationale for the rejection of the Greek IDN ccTLD and the Greek version of .eu)

## New gTLDs

- Batching or not batching? The need and use of batches seriously questioned – the need to monitor the speed of new TLD introductions gains in importance.
- New gTLDs: Program Director, Michael Salazar resigns, Digital Archery Suspended, URS cost target may not be met
- new gTLD communication and outreach program considered as a failure
- The low number of African and South American applications proves to some that ICANNs multistakeholder model is not functioning properly.

## Other

- New CEO: “Three pledges; I will listen; I will be super transparent; I will make all decision for public interest” - Fadi Chehade
- Following his first speech and interventions during the week, the new CEO seems to gather large support amongst the ICANN community.
- ICANN46 to be held in Beijing

# ccNSO Report

## SOP update

Strategic plan adopted by Board in December

Framework to be published in August

Comment period on strategic planning process is ongoing – ccNSO will not comment on timeline/process

ICANN proposes a cross-constituency strategic planning working group

Roelof Meijer lead the discussion as chair of the SOP WG. None of the fair and simple questions that he raised received an answer from ICANN's CFO that made any sense. 'What comments were taken into account?' 'Cost increase with 20% in 2013 plan, similar to 2012 plan? How is ICANN making sure costs don't spiral out of control?' 'Lack of measurable goals makes it impossible to control if ICANN is on track. How is ICANN going to improve on that?'

It also became clear that the reserve fund will increase by repayment from gTLD program. (The amounts that were budgeted in the previous years were partly used for the new gTLD program. As this is a revenue neutral program, these investments need to be reimbursed.)

Byron Holland: "When is ICANN going to say 'less projects' instead of more projects."

CFO: "1 in 4 requests were refused during this budget process."

Hilde Thunem: "Why don't we see any of our comments in the OPS plan impact the final versions?"

Byron Holland: Finance Update: Expense Area Group is dropped as a tool to measure the costs of each SO or AC. The Finance staff has backed away from this particular vehicle which was critical for the Finance WG's analysis.

## ICANN Board meeting

Topics:

- WCIT ICANN strategy
- IANA contract
- Top priorities for new CEO
- ICANN ops and finance plan

Steve Crocker: IANA contract: ICANN has submitted proposal, US gov is evaluating proposal. Nobody can comment in the meantime. Mid-august the process should be finalized.

What is ICANN's strategy for WCIT?

Steve Crocker refers to Rod. Rod (as head of global partnership team): Nigel Hickson is the lead on WCIT strategy. Nigel: we take it seriously. Monitoring the proposals. Participating in regional preparatory phases. Community view is that ITRs should not affect internet. ICANN support this.

Lesley summarises as 'keep off our turf' strategy.

I did not hear a strategy, nor a plan, nor a process.

Current status on ICANN's ops and finance plans.

Roelof Meijer: None of the comments have been taken into account; only the number of new gTLDs has been increased from 500 to 2000.

These are the main comments from the ccNSO that were neglected:

1. 13 priorities and 25 projects is too much: some should be taken out as the plan is overloaded
2. ccNSO wants measurable, quantitative and qualitative goals and milestones: if not impossible for board to control and correct
3. Cost increases more than revenue, in particular if costs are higher than revenues

Board and CEO share the concern, think these are excellent points, but could not provide a sensible answer.

Lesley: it is difficult to sustain our commitment if we see that we are not being heard.

Cherine Chalaby (head ICANN BoD finance WG): which priorities to cut? That is the key question.

Finance update: Byron: The deliverables for the ccNSO finance WG were:

- Examination of models
- Survey of ccTLDs of ICANN services
- Analysis of ICANN's financials (expense area group)

First two deliverables completed, have been awaiting that financial information from ICANN for a while. Now we learned that the EAG is not going to happen. According to CFO, EAG is not an adequate allocation of the ICANN expenses. Therefore a key component of our work cannot be completed at this time. Board was not informed of this.

Cherine asked CFO if there is a timeline, but no response.

What are the top priorities for the new CEO?

Steve Crocker (Chair of the ICANN Board): we have not defined those, but I am sure he will be happy to answer this one. (?!?)

Fadi:

There are so many demands on this organization, so prioritization is essential.

- achieve a level of operational excellence that we do not have today
- ICANN should communicate a lot better

My summary of this session: the Board is clueless about what is happening below CEO level. Fadi was the only one during this session who made sense. The earlier he starts the better.

### **IANA update – Kim Davies**

Kim very carefully managed not to discuss anything that has any relation to the IANA contract.

IANA just moved to a new, high-security office. The absence of a beach on the other side of the road makes it somewhat dull though, compared to the previous office.

IANA survey sent out to ccNSO – results should be available in the next few weeks

Currently 1-2-1 relation between companies and TLDs. That will change. Policies will have to be adapted for those with large portfolios.

In the attempt by ICANN to get financial contributions, ICANN asks contact info from IANA. Currently two contacts per TLD: admin and tech. These are used for a mixture of purposes. Can there be better approaches to contacting TLDs?

### **Country and territory Names study group – Paul Szyndler**

Established in December 2010 to provide ccNSO Council and broader community an overview of issues.

Look at current landscape

Look at different representations of countries and territories

Provide overview of what happens when we apply policies to those names

Not in the scope of this WG: define what is a ccTLD or country, intervening in first round of new gTLDs, making a definitive recommendation for how C&T names should be treated.

Final report: end 2012

New gTLD analysis: .and, .est, .swiss, .irish, .thai, .newholland

Next steps: analysis of UNESCO survey

Presentation: <http://prague44.icann.org/meetings/prague2012/presentation-unct-szyndler-26jun12-en.pdf>

### **Framework of interpretation working group update – Keith Davidson**

<http://prague44.icann.org/meetings/prague2012/presentation-foiwb-progress-report-26jun12-en.pdf>

[www.ccnsso.icann.org/workinggroups/foiwb.htm](http://www.ccnsso.icann.org/workinggroups/foiwb.htm)

SSAC report

### **Joint DNS Security and Stability Analysis Working Group Update - Jörg Schweiger**

<http://prague44.icann.org/meetings/prague2012/presentation-dssa-schweiger-26jun12-en.pdf>

### **SSAC report – Patrik Fälström**

<http://prague44.icann.org/meetings/prague2012/presentation-ssac-update-26jun12-en.pdf>

Sabine Dolderer questioned the need for a standardized approach and considers that this is outside ICANN's scope.

Jay Daley: this is stretching the definition of security: if we continue this type of work, it should have its own process.

### **SSR recommendations – Jörg Schweiger**

Final report available on website

Recommendation 1: ICANN should publish a single, clear and consistent statement of its SSR remit and limited technical mission.

Therefore seeking input on the following:

What does it mean to coordinate at the overall level the global internet's system of unique identifiers?

What are the limits of that coordination role?

What does it mean to ensure the security and stability of the global internet's unique identifier systems?

Recommendation 3:

ICANN should document and clearly define the nature of SSR relationships it has within the ICANN community in order to provide a single focal point for understanding the interdependencies within the organizations.

### **New gTLD Session**

A ccNSO Applicant's first-hand experience – Andrei Kolesnikov

<http://ccnso.icann.org/meetings/prague/summary.htm#kolesnikov>

Andrei shared his experience as an applicant in the new gTLD process. He addressed the following issues.

- The TAS experience
- Batching issues
- Applicant guidebook issues
- Customer service problems

Future issues addressed by Chris Disspain included: allocation of the surplus money, legal risks, ...

### **IDN session**

Arabic IDN ccTLDs – Mohammed el Bashir

<http://prague44.icann.org/meetings/prague2012/presentation-arabic-idn-cctlds-el-bashir-26jun12-en.pdf>

Many names that are in the zone are not active (e.g. Egypt).

Still plenty of issues:

- Browser support
- Search results
- Social media
- Tablets

KISA's efforts to improve usability – Minjung Park

<http://prague44.icann.org/meetings/prague2012/presentation-usability-idns-korea-park-26jun12-en.pdf>

So far 220.000 registrations

**The presentation includes an excellent slide that provides an overview of the usability issues (browsers/applications/search).**

Universal acceptance of top level domains – Naella Sarras

<http://prague44.icann.org/meetings/prague2012/presentation-universal-acceptance-tlds-sarras-26jun12-en.pdf>

e.g. registry.sx leads to search results (correct ones) but not to the website as .sx is not recognized as an extension

main causes:

- improper logic
- lack of IDNA support
- old software that didn't get updates
- Issues caused by publisuffix.org

How ICANN plans to improve the universal acceptance: Messaging through education of relevant players:

- Avoid unnecessary validity checks
- Educate on right-to-left concept
- Not just domain names, but email and ftp as well.

Outreach campaign planned. Please contact Naella if you have ideas or suggestions!

[Tld-acceptance@icann.org](mailto:Tld-acceptance@icann.org)

Update on Fast Track process:

<http://prague44.icann.org/meetings/prague2012/presentation-idn-fast-track-process-sarras-26jun12-en.pdf>

37 unique requests received to date

31 IDN ctctlds in rootzone

9 in delegation process

Update from ccNSO

Letter on confusingly similarity

ICANN's position: protection of all possible two-character ASCII strings under the fast track process

From IDNC WG: verification that the proposed code cannot be interpreted as any of the elements in the alpha 2-codes used by the ISO 3166

Letter: proposed changes to the confusingly similarity review:

- Procedural changes
- Changes of methodology for assessment

Update from IDN WG 1:

Currently reviewing draft Final report. Still under discussion: standards for confusingly similarity and the review process (should it be a one stage or two stage process?).

Update from IDN WG2:



Purpose is to advise on how IDN ccTLDs should fit into the ccNSO.

A complex discussion boils down to the following: taking India as an example (1 ASCII ccTLD and 7 IDN ccTLDs), do they get 1 or 8 votes?

Majority view in WG: 1 vote per territory

Minority view in WG: 1 vote per member

Joint ccNSO-GNSO IDN Working Group update - Jian Zhang

Patricio (NIC Chile) mentioned that there are a significant amount of complaints about IDNs in Chile. Even if they only represent less than 1% of the total CL namespace. User feel that they have bought a 'defective product' as some applications don't recognize the iDN.

### **GAC – ccNSO session**

Update Fol WG

Update WG country ad territory names

Update from SOP WG

Update from Finance WG

(Expectations are that the previously 9 million USD allocated to the ccNSO will be reduced significantly.)

European Commission raises concerns on what this means for the credibility and ICANN.

US wonders what alternative tool ICANN is using to allocate costs.

EU Commission asked clarification about the ccNSO reponse to the letter Elise Gerich on the IDN question.

### **ccTLD news session**

Registrar Certification – Ondrej Filip, .cz

In order to help end users to distinguish individual registrars, CZ.NIC started a program called "Registrar Certification". The aim of the project is to define standards for the provision of domain registration services to end customers and also to provide registrars a definition of an ideal registration system including related services.

<http://prague44.icann.org/meetings/prague2012/presentation-ra-certification-filip-27jun12-en.pdf>

Domain Conflicts - a guide for judges, lawyers, prosecuting authorities and the police - Annebeth Lange, .no

Annebeth presented the Norid guide on "Domain Conflicts". Norid has made one for national use, but it is very applicable for other countries as well. It was presented at the GA CENTR meeting in Salzburg, and CENTR has prepared one more "internationalized" version based on the Norwegian concept. Annebeth encouraged other countries to use it as well.

<http://prague44.icann.org/meetings/prague2012/presentation-domain-conflicts-legal-system-lange-27jun12-en.pdf>

Social Media, Mobile, apps & the market for Domain Names in the Netherlands - Michiel Henneke, .nl

Trends like Social Media Mobile and apps are generally seen as a potential threat to the future demand for websites and, as a consequence, domain names. An extensive study in the Netherlands shows that the effect of these trends is in fact far more ambiguous or even positive.

<http://prague44.icann.org/meetings/prague2012/presentation-media-mobile-apps-market-henneke-27jun12-en.pdf>

Internet NZ Principles - Keith Davidson, .nz

InternetNZ has developed a set of principles that it believes provide overarching guidance to the way it operates the .nz ccTLD, and that these principles (or at least a framework to develop your own set) are very relevant not just to ccTLD operators, but perhaps to gTLD operators also.

In a nut-shell, the 7 principles applicable to .nz are as follows:

1. Domain name markets should be competitive.
2. Choice for registrants should be maintained and expanded.
3. Domain registrations should be first come first served.
4. Parties to domain registrations should be on a level playing field.
5. Registrant data should be public.
6. Registry / Registrar operations within a TLD should be split.
7. TLD policy should be determined by open multi-stakeholder processes.

InternetNZ has drafted a final paper of about 10 pages that details these principles and teases out further - but this is not an attempt to try and create a "one size fits all" solution, merely a high level set of principles to help guide the TLD in its decision making especially in regards to policy development.

<http://prague44.icann.org/meetings/prague2012/presentation-nz-principles-davidson-27jun12-en.pdf>

Evolution of the .PT Registry - Pedro Veiga, .pt

On May 1st .PT implemented the liberalization of registrations under .PT. In the presentation Pedro described the evolution of registration rules for .PT since 1995, giving special emphasis in this final step and the sunrise period that ran for two months.

Included in this overview are the major technical evolutions and when they happened: IDNs, EPP, IPv6, Registry-Registrar relations, DNSSEC.

<http://prague44.icann.org/meetings/prague2012/presentation-pt-registry-veiga-27jun12-en.pdf>

## **WCIT session**

ITRs were drafted in an age of copper. This is an effort to rewrite it to today's needs.

Unfortunately it was impossible to hear the intro by Sally from ISOC. She gave an overview of the key issues that will be discussed in Dubai.

Patrik Fälström: Two suggestions: 1. regulator is hosting a mailinglist to communicate on all things related to Internet Governance: spread this idea. 2. ccTLD is typically involved and should inform about these processes in their outreach programs.

Mathieu Weill: Documentation produced by ISOC is exceptionally good. AFNIC heard this through CENTR cooperation and their ISOC membership.

Martin Boyle: 1988 was all about deregulation and opening up markets. 2012 can be seen as “The Telco’s Revenge”. This is about claiming back the revenues they have lost over the last 25 years.

Should ccTLDs be involved? Yes! Our business will be significantly impacted on cybersecurity, standard making process, naming and numbering, payment of 30k per year if we want to participate in ITU process as sector members...

Government resources now are strapped because of the economic crisis. This has severely affected the UK Govs ability to get involved in the process. (They were not associating ITRs with Internet and were as a result only talking to the Telco’s).

Talk to your government! Prepare them with the ISOC guide!

Nick Thorne: This WCIT is the first one since 1988. It will be an intergovernmental governance. 193 memberstates of the United Nations will get together and keep everyone else out. People in that room will not be those that understand our issues. They are politicians. WSIS was mixed in terms of participation and had a positive outcome. Approach your government and offer them advice. If possible, make the government spread the word amongst regional organizations. Political message is that we are currently going through the largest economic crisis we have seen. Is this the time to impose restrictions on the one sector that still show growth?

Fahd: Most ccTLDs in Arab region are run by the government. Majority run a flat system (including Jordan). ccTLD is not regarded as a means to increase internet penetration. Not much interaction on WCIT – mainly because nobody has a good idea of what this is about...

Paul (APNIC): situation has been turned upside down: in the past the content providers wanted to have a piece of the enormous profits from telco’s, now telco’s think it is unfair Google is making so much money.

RIRs are addressing this regionally as they believe that it needs to be spread across the globe and reach out to as many as possible. Having one message might be seen as having a single source (and a single government backing).

Mathieu Weill: Bad argument to say “regulation is bad” we need better messages

Martin Boyle: This is about education, not preaching to the choir. The vision that helped shaped 1988 document is lacking today.

# gNSO Report

## New gTLDs

Just before the first sessions of the GNSO began on Saturday an announcement was made by ICANN stating that the digital archery part of the new gTLD program had been suspended due to reports from applicants that the timestamp system returns unexpected results depending on circumstances. Reasons may be also because of geographic [issues reported](#) by ARI Registry Services as well as other technical reports from other applicants. The concept had always had strong debate and a lot of opposition. On the Thursday before the meeting, the new gTLD Program Director, Michael Salazar resigned.

## Update of the program since Costa Rica Meeting

- Application statistics – [see statistics page](#).
- ICANN is disappointed with number of Financial Support applications (3 applications). There will be a 5 member panel to assess the applications. Results on this will be in October 2012.
- Working to improve customer service – putting staff in each (ICANN) region of the world.
- TAS: at the time when TAS was taken offline, there were 1268 registered users, the majority of users unaffected. Affected users were notified and were offered a full refund.
- Evaluation phase: initial evaluation to begin 12 July however already informally started. It was stated that there would be 3 batches with each taking around 5 months (overall 15 months) or go with one batch which some said may be faster. There were discussions on how to release results – in batches or all at once.
- Evaluation firms are Ernst and Young, KPMG and JAS providers.
- Dispute resolution services - ICC, WIPO (trademark objections), ICDR and an independent objector in place.
- Batching: Digital archery tool suspended (GAC advised to consult with community).
- Delegation – it was noted that the process must meet root scaling commitments (no more than 1000 per year into root)
- EBERO providers are currently in the advanced stage of selection.

## Update on the URS (Uniform Rapid Suspension)

- Work suggests the 300-500 USD cost target may not be met. Additional work needed on how to attain fee goal whilst retaining the safeguards. Public discussion expected on how to move forward on this topic

## Status of Trademark Clearinghouse

- Engaged a team using Deloitte, IBM and CHIP
- Currently refining technical requirements with providers, developing EPP extensions (registry/registrar interface). An outline of the processes of the clearinghouse was given - see [presentation](#)
- Launch targeted for October 2012 (testing in July): opportunity for rights holder to submit before then.
- There is a [cost estimate](#) for Registry access to the clearinghouse – USD 7,000-10,000. Comments in the room see this cost as the largest obstacle to post application process. In another session, a representative from Deloitte noted the pricing structure given is a maximum and will fine-tuned in the coming weeks.
- Some Registries (eg ARI and Neustar) have requested a technical summit with the providers and engineers. Feeling in the room (GSNO working session) was shocked that Registries have not been involved in technical consultation of Clearinghouse. Deloitte at a later session stated they would welcome a technical summit.

- ICANN stated that they hired an 'expert' to develop EPP extensions. Adrian Kinderis from ARI wondered why this was the case when ICANN has a host of Registries at their disposal who would most likely help for free.

There are 4 potential grounds of objection: string confusion, legal rights, public interest and community. Several updates are listed below.

#### String confusion (administered by ICDR)

- ICANN will publish dispute announcement 30 days from close of objection period.
- For objection to be sustained, confusion must be probable, not possible

#### Legal Rights (where potential applicant could infringe TM rights)

- 7 month objection filing period (ending min Jan 2013)
- Currently there is a 60 day public period
- Remedies limited to success or dismissal of the objection. No monetary damages but prevailing party entitled to partial refund)
- ICC have some details on objections (eg limited public interest, community objection). Filing fee is EUR 5,000. Experts hourly rate is EUR 450. 1 member expert panel is 12k and 3 member is 17K.

#### **Registrar Accreditation Agreement (RAA)**

There has been progress on all areas of the RAA with a few issues remaining unresolved.

Shortly before ICANN 44 was underway, the Registrar Stakeholder Group issued a statement regarding the negotiations with ICANN staff. It was a generally positive message stating they are happy with the progress and that the following elements have been agreed upon; improved registrar response and availability to law enforcement, registrar abuse point of contact, publication of registrar information, establishment of an ICANN accreditation for privacy/proxy service. The outstanding issues (also pointed out by ICANN) are whois verification/validation, data retention, registrar obligations to support technologies which are today optional (universal adoption) and port 43 whois access for thick registries.

Many people brought up the point that data protection authorities have not been engaged in the discussions. In some sessions, Registrars voiced many concerns regarding the RAA particularly related to requirements in the RAA that could put them in breach of law (eg. European data protection law).

ICANN requested input from community on 3 specific topics, as follows;

**Whois data verification** - what types of verification should occur (Email, phone) and timing of the verification (pre or post registration). Comments received from audience:

- Lack of dialogue with other areas eg. data protection, freedom of expression, effect of privacy laws.
- Non commercial constituency stated "anonymous speech is part of the First Amendment".
- LE comment: if you ensure protection of people's data, they will give you better quality data. Pointed to findings of the Whois Review Team. General theme from LE is to make things harder for criminals.
- Kathy Kleiman/non-commercial users supports email or telephone as verification. Timing on verification should be post resolution (based on human rights issues and freedom of speech).
- Comment from (unknown) "If you want to list data, you should verify it"
- Comment from (unknown) 'no one cares about Whois' except spammers, criminals and LE' suggest to get rid of Whois – reduce the costs to all.

- In the Registrar Stakeholder Group it was noted that verification in Africa is very challenging as most people can only be verified by mobile phone however even that most have pre-paid accounts not verified by address.

Data Retention – some disagreements between LE and ICANN as to type of information retained and for how long.

Universal adoption- how to ensure/incentivise Registrars to follow the new policies was discussed (considering that some are contracted to previous versions with differing renewal points)

Further information

[ICANN Summary of RAA negotiations to address LE recommendations](#)

### **Board and GSNO discussions**

- Regarding the cancelled Friday Board meetings, Steve Crocker noted minimal attendance and minimal new information as to reasons. Steve also acknowledged communication on this issue could have been better.
- Discussion on lack of communication within ICANN itself – reference made to another session on new gTLDs (particularly details on URS and clearinghouse – see new gTLD section of this report).
- Thomas Rickert raised digital archery, URS and Olympic protection as recent examples of ‘top down’ decision making.
- On Batching, the Board seemed to lean toward single batch (input stage) as a solution to suspended digital archery issues (see new gTLD section)
- Steve Crocker noted that given discussions, Board would like to be more communicative with the GNSO.

### **GSNO and ccNSO**

Cross community working group discussions

- Strong desires from both GSNO and ccNSO to have good collaboration.
- Comment made to “work on things together” and focus less on the structure of it.

Operating planning budget and finances

- There is a working group (SOPWG) that commented on ICANN FY13 operating plan/budget. Some of the points in the comment were;
- ICANN needs to improve the predictability to their planning and comments processes.
- ICANN needs to professionalise especially given the changes they are going through
- On the budget: there is an imbalance in the operating costs. ‘ICANN needs to get a grip on their expenses’
- ICANN must include measurable milestones in the plans. Currently words used are ‘improve’, ‘increase’ etc which are not measurable.
- In reference to the Finance WG it was noted that the ICANN CFO indicated that he is backing away from a primary tool (EAG) to rely on in allocating costs making things somewhat difficult for the ccTLDs to allocate their budgets to ICANN.

RAA negotiations and LE

- GSNO stated: how do ccTLD deal with privacy and protection issues and Law Enforcement requests (national and cross border). Leslie Cowley suggested that given the experience of ccTLDs on this, there could be useful exchange at another session.

- Becky Burr: help from ccNSO would be appreciated on this as for example the Registrar community had a hard time getting the topic of privacy and data protection in the RAA discussions with ICANN. Stephan van Gelder also noted LE had been more positive in recent discussions and the overall 'tone' had evolved.
- Discussion on GSNO and ccNSO getting together more even informally on this topic of privacy and LE request etc.

### **Registry Stakeholder Group (RySG) with Board**

It was noted in this session that as the stakeholder group grows, they need improvements to liaison/account management.

The group have enabled new observers (new applicants) whom can attend meetings. These new members have met and created an interest group -New TLD Applicant Group (NTAG).

On the topic of integration of the back end services providers the RySG have reached out to other constituencies to discuss. Another cross over point is that some ccTLDs are moving into gTLD area as back end providers. Chris Disspain suggested the group talk more with the ccNSO who have experience in this area.

### **Consumer Trust and Metrics**

The Consumer Metrics Working group posted [draft advice](#) with a public comment period which closed in May 2012. The report (a response from a Board request) was to provide definitions and metrics to be used to evaluate the gTLD expansion program. If adopted, as stated by the working group, the advice could be "critical to measuring success of the new gTLD program". Some of the definitions included were; consumer, consumer trust, consumer choice and competition. It was noted that 75% of public comments have been reviewed and that a Final Advice letter would be ready for the GSNO in July 2012.

### **Protection of IOC and Red Cross**

- [Preliminary issue report](#) on protection of international organisation names in new gTLDs based on Board request on whether to protect IGO names at top and second level of new gTLDs.
- GSNO has deferred action on board request until GAC first provides policy advice to board
- Temporary moratorium for Red Cross and IOC names at the top level for new gTLDs will expire after initial round. No special protections for Red Cross and IOC names at second level.

In the Preliminary issue report the type of organisation is to be evaluated and any related PDP for such protections.

The recommendation from staff is that GNSO should consider whether or not to initiate a PDP as an approach to develop any additional policy advice in response to Board requests on additional protections. If there is a PDP staff recommends that the scope should be limited to IGO's and international orgs that are not for profit and are protection by treaties and national laws in multiple jurisdictions.

### **IRTP (Inter Registrar Transfer Policy)**

The [Initial Report is published](#) for comment (close 4 July 2012) which include 4 recommendations: 1. adoption of change of registrant consensus policy for rules and requirements for a change of registrant, 2. Time-limit FOAs (Form of Authorisation), 3. Allow opt-out of time-limited FOA if desired by registrant, 4. All gTLD Registry operators required to public Registrar of Record's IANA ID in TLD's thick WHOIS. A Final report and recommendations is due for consideration by GSNO by the ICANN Toronto meeting

### **Locking Domain names subject to UDRP Proceedings**

The group is seeking clarification on when/how unlocking of a domain name should be done once UDRP proceedings are completed. There is a survey (one part for Registrars and another for UDRP providers)

open till 10 July 2012. Once responses received, the group will go to SO/ACs for further input. So far there are responses from 36 Registrars and 1 from a UDRP provider.

## **SSAC**

In the GNSO Working session on Sunday, Patrik Faltstrom and Jim Galvin gave an update on SSAC; Latest report: SAC54 (domain name registration model)

- Work plan : renewals of SSAC members, IRD-WG, impact of DNS blocking (report not yet ready)
- Meetings with law enforcement ongoing – trying to find common areas on architecture on internet. Focusing on IP issues and address mapping on service provider layer, source address validation and others.
- Security and stability issues relating to new gTLDs

Publication on Domain name registration data model (DNRD) a technical model –proposal only at the moment.

- Gave a typical lifecycle of a domain name (See slides)
- Noted on what data is required (or optional) and when it is needed.
- Recommends the SO/ACs consider the model and comment on its completeness
- Regarding the model issue: as some ccTLDs will be back end Registries it may be an opportunity to harmonise. Jim Galvin noted that policy is not the way forward to harmonise. Also that as it is hard to know what the ccTLDs are doing in this respect (some of them don't even know what each other is doing), it provides more of a challenge.

## **Stakeholder Updates**

Business Constituency – prioritising work and 'operational excellence'. Had a breakfast with ccTLD community which was helpful on 2 topics; ICANN in the public interest, and threats to ICANN. Another important topic to the group is the new applicants of new gTLDs impacts to GNSO (policy development and management) and ICANN.

IP Constituency – raised topic of the renewed (over the weekend) contract with VeriSign as thick Whois is consequently not dealt with in the new contract. This 'behind doors' process by ICANN on this was concerning - this was echoed by Jeff Neuman.

Registry Stakeholder Group – creation of an observer group (See RySG section) open to new TLD applicants. There are 30 new observer members as well as a new group called New TLD Applicant Group (NTAG)

Non-commercial users constituency – discussed outreach within the group, planning an outreach event the day before the Toronto meeting (theme will be cyber security)

ISP and Connectivity providers – external threats to ICANN. Appealed to ICANN: 'stop making our job harder'. Also looking at impact of gTLDs and looking at better outreach in underserved regions of the world.

## **GNSO Motions**

- 1. Motion to address Whois Access as Recommended by the Registration Abuse Policies Working Group:** To include within the RAA PDP issue of Whois access (to ensure that WHOIS data is accessible in an appropriately reliable, enforceable, and consistent fashion which does not violate freedom of expression, privacy and related rights).



The motion was withdrawn

Discussion: Generally, other GSNO members felt this issue could be better dealt with in other context (eg within Charter of subsequent working group).GSNO realise this topic may come back to the council if not dealt with already by other areas.

2. **GNSO Council Motion to Approve Internationalized Registration Data Working Group Final Report**  
**30 May 2012**  
**The motion was approved**

### **WHOIS Studies**

1. 'Misuse' of public data (results mid 2013)
2. Registrant identification (draft report Sep 2012) – how gTLD registrants identify themselves in Whois.
3. Proxy/privacy abuse (draft report March 2013)
4. Proxy/privacy relay and reveal (results soon) – not good responses from RFP due to availability of data, participants willingness to share data. As a result, council did a pre-study survey
5. Whois Service Requirements (upcoming survey) –topics: mechanisms to find authoritative servers, standardise query structure, well defined schema for replies, standardised error messages, history of domain registration data and internationalised registration data. It was noted that results could be helpful for IETF protocol efforts. A draft survey was posted 30 May 2012 and final survey to be released in around end of July.

### **Other GNSO Updates**

- Theoretically there should be a GNSO review in 2013 – however GNSO didn't feel too enthusiastic on this especially considering workload with new gTLDs etc.
- On Saturday the GNSO working session, there was a discussion on the high volume of documents and general workload particularly in the lead up to ICANN meetings. Ideas for Improvements:
  - o Early notice by staff as to which comment periods are coming up.
  - o Ask each the Chairs to look at the early notice of comment periods and comment upon it in cases they feel it is not long enough.
  - o Visualisation of all comment periods
  - o Character limits on documents and the public comments.

# GAC Report

At the time of writing the Communiqué was not yet made publicly available, which is a pity because it's only during the drafting of the communiqué, which happens traditionally behind closed doors at the end of the week, that GAC members have to agree on the consensus position in many dossiers. In some discussions the different opinions heard during the week have to battle to make it to the communiqué.

Usually the GAC Communiqué was read by the GAC Chair during the reporting session on Friday for Supporting organisations and Advisory committees. But this session was taken from the program to make the ICANN week one day shorter.

## new gTLDs

Prior to the ICANN meeting, in a letter sent to the ICANN Board on 17 June 2012, the GAC expressed serious concerns about the processing of the new gTLD applications. In the letter the GAC criticises digital archery and puts forward its own time schedule for the Early Warnings and for the formal GAC advice on contentious applications.

The GAC says that it will not follow eventual batches and will issue any Early Warnings to all the applications shortly after the Toronto meeting, and that it will not issue any formal GAC advice on contentious strings in 2012. The GAC advises the Board that it expects that the whole evaluation process will not be finalised before the Beijing ICANN meeting (April 2013).

GAC letter to ICANN Board 17 June:

[www.icann.org/en/news/correspondence/dryden-to-crocker-17jun12-en.pdf](http://www.icann.org/en/news/correspondence/dryden-to-crocker-17jun12-en.pdf)

This letter came on top of and increased the community pressure on the Board to abandon the digital archery and rethink the concept of batching.

After the announcement to suspend (and later abandon) digital archery, GAC members were looking forward to hear what alternative systems ICANN would propose. However, during the course of the week, the need of dividing applications into batches became more and more questioned.

In this respect was the meeting with the Security and Stability Advisory Committee (SSAC) very important (Tuesday 26 June). The GAC listened with great interest when SSAC members stated that they were only concerned about the speed of introducing new strings and the mechanism to slow down or pause the process for evaluation if necessary to do so. They underlined the importance of defining the right parameters and a continuous monitoring of the stability and security before and after introducing new strings.

The GAC will definitely pick up these ideas in its communiqué.

On Sunday the GAC met with the ICANN Board in a special session on new gTLDs. The meeting started with a remarkably well prepared and humble statement by Cherine Chalaby, in his capacity of Chair of the Board gTLD Committee, by which the Board expressed regrets for the problems with the digital archery and committed to thoroughly consult and discuss with the community solutions for batching.

*(note: to avoid potential conflicts of interest, some Board members don't take part in the decisions regarding the new gTLD process; therefore there is a Board Committee on gTLDs, which is a subcommittee of the ICANN Board but takes the decisions regarding the new gTLD program with the full powers of the ICANN Board)*

The European Commission explicitly asked what led to the decision to suspend the digital archery (community pressure or a technical problem). Chalaby answered that digital archery was suspended because it wasn't behaving as expected. (later during the week the Board would decide to abandon the digital archery process)

Chalaby also had to convince the GAC members that appointing Kurt Pritz as Head of the new gTLD process after his predecessor in the function quit the job on the Friday before the ICANN meeting, was the right decision. The appointment is only temporally for the next 3 to 6 months.

Board member Mike Silber agreed with the Kenyan GAC member that the low number of applicants from Afrika (3) and Latin America (17) and the low number of community applications overall proved that the JAS (Joint Applicant Support) and communication and outreach had failed.

There were further discussions on the need of batching and alternatives. Chris Disspain (ICANN Board) argued that the normal processing might be sufficient to spread the application in time ('some strings will pass immediately, others will have to come back with more information'; 'there is only a certain number of contracts you can sign and send out per day'; 'not everyone will immediately ask for re-delegation')

At the end of the session the Swiss GAC representative urged ICANN to perform better because the new gTLD process should be the opportunity to prove that the multistakeholder approach is working better than any other solution. Very relevant in the light of the ongoing Internet Governance discussions such as WCIT.

### **IDN Fast track - confusingly similar strings**

On request by Greece and the European Commission the GAC discussed the letter in which IANA defends the prohibition of two character IDN strings that are remarkably similar to a two character ascii string. Based on this rule the proposed IDN ccTLD string for Greece and the Greek version of .eu were refused.

IANA and in particular the evaluation panel was heavily criticized for taking decisions without scientific ground, for the lack of transparency by not revealing who is part of the evaluation panel, for not giving a rationale for the decisions, for not being consistent with ICANN's approach towards security & stability in other discussions, ...

The European Commission urged the GAC to (1) include a strong message in the communiqué; (2) to appoint a draftsperson to prepare the answer to ICANN BoD / IANA; (3) set a strict timeline aiming at a GAC response within the next month.

One needs to check the Communiqué for the exact wording. However, there was some consensus that the communiqué had to address the lack of transparency of the evaluation panel and shouldn't refer to individual strings.

Letter from IANA to the GAC (7 May 2012) Inquiry About ISO 3166 Two-Letter Codes

[www.icann.org/en/news/correspondence/gerich-to-dryden-07may12-en.pdf](http://www.icann.org/en/news/correspondence/gerich-to-dryden-07may12-en.pdf)

*(note: there was some annoyance about the fact that IANA hadn't informed that an identical copy was sent to the ccNSO)*

### **Topics discussed with the ICANN Board (GAC/Board meeting Tuesday 26 June)**

#### **\*Registrar Accreditation Agreement**

The GAC welcomed the progress made but stressed the importance of concluding the negotiations before the launch of the first new gTLDs. The GAC expects that consultations on the draft RAA can start by the Toronto meeting.

Kurt Pritz (ICANN) informed that of the outstanding issues the two most important were 'Whois data verification' and 'Data retention by the registrars'. Once these two are solved, the negotiations will be close to conclusion. However he remained cautious that it wasn't sure an agreement could be found before Toronto. (see part on the GNSO for further details on the RAA negotiations).

GAC members assured that they kept an eye on the privacy and data protection issues and stressed that Law enforcement shouldn't be the only voice heard in the discussion.

#### **\* IOC / Red Cross Red Crescent protection**

The GAC voiced the GNSO's concern that the Board rejected the GNSO Council's proposal regarding the protection on IOC and Red Cross names on the Top Level and that large parts of the rationale behind this move were not disclosed.

The topic is somehow sensitive because some GAC members consider the GNSO proposal as a refinement of the GAC Advice to protect IOC/Red Cross and Red Crescent names at the top level (<https://gacweb.icann.org/display/GACADV/2012-03-16-IOCRC-1>) . The GAC is concerned that a normal 2 to 3 year long PDP process will make the request for protection meaningless.

\* ICANN's international strategy

WCIT, the WSIS review and other ongoing and future Internet Governance related discussions make that ICANN international and strategic plan becomes extremely important. The Board was asked to explain to the GAC how they were reviewing this plan in the light of the international developments. Some GAC members reminded the Board that the low participation of developing countries in the new gTLD project was bad for ICANN's image as international multistakeholder organisation. Staff promised the results of the Internationalization Survey, one of the projects in the 2012 strategic plan, would be published before Toronto.

\* Conflicts of Interest

The Independent Expert report on the Board's conflict of interest review was recently submitted for public comment with deadline 6<sup>th</sup> July (see: <http://www.icann.org/en/news/public-comment/board-coi-review-report-05jun12-en.htm> ).

The European Commission acknowledged that progress had been made but wanted to know if and why the expert group was only mandated to look at the Board and did not review the Senior staff. Bruce Tonkin (ICANN Board) had to admit that there was no such a limitation and promised to ask the reviewers why they had excluded senior staff.

\* new gTLD Root zone scaling

Steve Crocker (ICANN Chair) told that the new TLD root insertion would be a continuous process in which the loop back would be of crucial importance. He reminded GAC members about the fact that modest changes to the root are happening on a daily basis.

### **Other GAC meetings**

\* Joint meeting with the ccNSO (see higher)

\* Joint meeting with the GNSO

The GAC wanted to know what the expected impact would be from new gTLDs on the membership and structure from the GNSO. Stephan van Gelder (GNSO Chair) assured that the GNSO had the ability to accommodate the newcomers.

The GAC received a presentation on the work the GNSO was doing to define consumer metrics.

<http://prague44.icann.org/meetings/prague2012/presentation-cci-23jun12-en.pdf>

GNSO and GAC discussed the IOC / Red Cross Red Crescent protection (see higher)

\* The GAC discussed with the Law Enforcement Agencies the implementation of the LEA recommendations in the Registry Accreditation Agreement (RAA) (see higher)

\* The GAC acknowledged the final report of the Whois review team and had a short discussion on ICANN's compliance function.

\* GAC/Board recommendation implementation working group.

The GAC members heard about the online register for GAC advice and the follow-up given to advice. The tool is still under development, but already available at:

<https://gacweb.icann.org/display/GACADV/GAC+Advice> .

The GAC and Board are looking into the development of a process for GAC consultation which would create the possibility for the Board to consult with the GAC before taking a decision which will potentially be inconsistent with GAC advice. (under the current Bylaws an official consultation is only possible when the Board defines that its decision is inconsistent with GAC advice, so after the decision was taken).

The GAC is looking into possibilities to engage at an early stage in the ccNSO and GNSO PDP process.

\* Domain name briefing

A session was devoted to a briefing of the registry and registrar models and the domain name market. There is a growing interest among GAC members for the reseller channel and providers of privacy services.

\* new gTLD – protection Intergovernmental Organizations (IGOs)

Nicole Bonucci, Head Council of the OECD who defended the request to create a reserved list of names and acronyms used by IGOs.