



# **Guide for ICANN Toronto**

**ccNSO, gNSO and GAC  
key issues**

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**October, 2012**

## Key topics and activities at the ccNSO Toronto Meeting

### ICANN Finance Working Group (Tuesday 9.00 – 9.30 AM, Pier 4 & 5)

The Finance Working Group had to revise its strategy after the ICANN CFO has decided in June that the cost allocation method that was used until then (and which allocated 12 million USD to the ccNSO community) was not precise enough to be used as a basis for further discussions on ccTLD contributions.

The Group has decided that they will come up with a list of services they believe are in the interest of ccTLDs. The discussion on Tuesday morning might focus on how this list is compiled. ICANN's most recent financial statement can be found here:

<http://www.icann.org/en/news/announcements/announcement-2-08oct12-en.htm>

### Meeting with the ICANN Board (Tuesday 10.00 – 10.45 AM, Metro East Room)

The ccNSO has compiled a list of questions in preparation of the meeting with the ICANN Board. The most important question on that list is focusing on the Board's views and strategy for the upcoming WCIT meeting in Dubai. While there was no clear strategy yet at the time of the ICANN meeting in Prague, one would expect the Board to be prepared by now. The other questions are:

1. The possible plan/status regarding ICANN role toward developing countries.
2. Progress on the ccTLD Financial Contribution Discussion.
3. Progress on documenting ICANN's role and remit on SSR? What is current status and what are the next steps?
4. The main issues for the Board re the new gTLD process for the period after Toronto.

### Framework of Interpretation Working Group update (Tuesday 12.00 – 12.20 PM, Pier 4 & 5)

While the presentations can be a bit dry, the importance of the work of this group can't be overestimated. The group looks into the past decisions on delegation and redelegation requests, distills definitions (such as 'consent') and is producing a report which in the future should improve predictability of the outcome of the evaluation procedures. The progress report of the group can be found her: <http://ccnso.icann.org/workinggroups/foi-progress-report-02oct12-en.pdf>

### Joint meeting with GAC (Tuesday, 14.00 - 15.30, Frontenac)

Past occasions have been somewhat less relevant for the ccNSO as it was a one-way information exchange: the GAC was briefed on what the ccNSO was doing. A slightly changed format might address this issue.

### DNSSEC update session (Tuesday 16.00 – 17.30, Pier 4 & 5)

This session will focus on the marketing aspects of DNSSEC. During the session there should also be some time to discuss the controversial Verisign patent application.

### Update on local initiatives in preparation for WCIT (Wednesday, 9.00 – 10.20, Pier 4 & 5)

For those who are wondering what they can do in preparation for WCIT, this session could provide practical info and examples how fellow registry managers have engaged in the past few months.

### **Registry principles (Wednesday, 14.00 – 15.30, Pier 4 & 5)**

The NZ registry developed some basic principles that could be used as a guideline for the management of a ccTLD registry.

Other relevant information and further reading:

**ccNSO organizational issues:** As Juhani Juselius is stepping down from the ccNSO Council, an extraordinary election will take place. The two candidates are Katrina Sataki from .LV and Andrei Kolesnikov from .RU. They will present their views and plans for the ccNSO on Wednesday afternoon following the panel discussion on Registry Principles.

**Joint ccNSO/gNSO meeting :** Because of the rescheduling that has been going on (triggered by the High Level Meeting) there will not be a ccNSO-gNSO session.

**Future ICANN Meetings:** ICANN has published a "Consolidated Meetings Strategy Proposal", including a list of criteria for selecting meeting locations. This issue might come up at the public forum or the Board meeting.

The strategy suggests that the first meeting of the year is to be held in two cities in Asia Pacific. The second meeting of the year in two cities in Europe, the third meeting of the year (which also is the Annual General Meeting) to be rotated through North America (2014), Africa (2015) and Latin America/Caribbean (2016):

See: <http://www.icann.org/en/about/participate/meetings-proposal-02oct12-en.pdf>

**ICANN Strategic plan:** The most recent version of the ICANN strategic plan can be found her: <http://www.icann.org/en/about/planning/strategic/draft-strategic-plan-2012-2015-redline-24sep12-en.pdf>

**Tech days (in cooperation with OARC):** Having grown over the last years, the tech day now has a very interesting agenda. Especially the session on Monday (11.00 – 13.00) on abuse mitigation might be interesting, even for those that typically don't attend tech workshops. Full agenda can be found here: <http://toronto45.icann.org/meetings/toronto2012/agenda-ccnso-tech-day-14oct12-en.pdf>

## Key Issues being discussed within the GNSO

Below are key areas of work currently within the GNSO.

Inter-Registrar Transfer Policy (IRTP), Locking of Domain Names Subject to UDRP Proceedings, Fake Renewal Notices, Uniformity of Contracts, Registrar Accreditation Agreement (RAA), WHOIS, Consumer Choice, Competition and Trust, Cross Community Working Groups, Protection of IOC, Red Cross, IGO names for new gTLDs

### GNSO Organisational Issues:

The current Chair (Stephane Van Gelder) of the GSNO will be stepping down at the meeting and a new chair will be elected on Wednesday of the ICANN Meeting.

### Registrar Accreditation Agreement (RAA) Negotiations

**Background:** At the ICANN Dakar meeting in 2011, there was a Board resolution which initiated bilateral negotiations with Registrar Stakeholder group to update the RAA (involving among other things recommendations from Law Enforcement).

**Update:** Since Prague, progress has been made though certain key issues remain open. There is agreement in many areas, including nearly all law enforcement recommendations. In the two remaining recommendations still under discussion, ICANN and the registrars are much closer to reaching a negotiated position; on Whois verification and data retention. On Whois verification, a framework for improving Whois accuracy has been developed, however, ICANN and the registrars still have not reached agreement on the number of fields that are to be verified(email AND phone vs email OR phone). Also the timing of verification – before/after resolution and event based re-verification obligations.

On data retention, discussion among LE, registrars and ICANN indicate there is some agreement on a two-tiered retention schedule to account for differing data privacy obligations (6 months for more sensitive information vs 2 year for less sensitive). The type of data to be maintained is under discussion.

Another important point was discussed after the Prague meeting relating to the issue of when aspects of the RAA would violate local laws. There is a proposal to amend the Whois Conflict of Law Policy which deals with this. This will be discussed in Toronto.

Work has also begun on a privacy and proxy accreditation program (session in Toronto – see below)

### Further information:

[RAA status Announcement](#), [RAA negotiations Wiki](#)

### Suggested Session/s:

Update on the RAA Negotiations – 15 October, 15.00

Privacy/proxy accreditation program development – 17 October, 13.30

### New gTLDs

A key area still under discussion as part of the new gTLD program is the Trademark Clearinghouse. In late September, ICANN published 2 documents open for public comment – “[Implementing the proof of use verification](#)” and “[implementation the matching rules](#)”. The other area of interest is the URS (Uniform Rapid Suspension) which is the system to deal with clear cut cases of trademark infringement and act as a compliment to the UDRP. The session on this in Toronto will provide a review of the community input.

Another area including on the agenda for Toronto is the ‘Universal acceptance of all TLDs’ which is an ICANN effort to raise awareness about diversity of TLDs and minimise compatibility issues that prevent them from functioning correctly.

**Suggested Session/s:**

Impact of new gTLDs on ICANN's structure – 14 October, 14.30 (within GNSO working session)  
New gTLD Update for applicants – 15 October, 11.00  
Trademark clearinghouse implementation – 17 October, 09.00  
Batching/metering of new gTLD applications – 17 October, 11.00  
Uniform Rapid Suspension – 18 October, 11.45

**Consumer Metrics Working Group**

The Consumer Metrics Working Group submitted its final letter of advice in August 2012 to the GNSO Council with suggested definitions for consumer trust, consumer choice, and competition and to propose metrics that might be useful to gauge the effectiveness and success of the new gTLD Program. The WG will brief the Council on this topic at the weekend session in Toronto and the Council will deliberate the acceptance of the advice letter and delivery to the Board at the GNSO Public session on Wednesday.

**IRTP (Inter Registrar Transfer Policy)**

**Background:** GNSO policy adopted in 2004 to allow a straight forward process for registrants to transfer domains between Registrars. Currently, the IRTP is under review.

IRTP Part C to address 'change of control function', should form of authorisation be time-limited and should Registries be required to use IANA ID's for Registrars rather than proprietary ID's.

**Update:** [Initial Report](#) was in June 2012 with a public comment forum. The WG is in the process of finalising its report and expected to be submitted to the GNSO council by Toronto. If Board adopts, it will move to implementation stage.

Recommendations from the report:

Recommendation - Creation of change of registrant consensus policy, which outlines the rules and requirements for a change of registrant of a domain name registration

Recommendation - Time-limit FOAs for 60 days, with possibility to opt-into automatic renewal

Recommendation - All gTLD Registry Operators be required to publish Registrar of Record's IANA ID in TLD Whois

**Suggested Session/s:**

IRTP Part C Workshop – Wednesday 17 October, 8.30-10am

**Locking Domain names subject to UDRP Proceedings**

**Background:** GNSO Council initiated a PDP on locking of domain names subject to UDRP proceedings (currently no requirement to lock names in period between filing complaint and commencement of proceedings). A Working Group was formed and first task is to get public input as well as develop a survey for Registrars and UDRP providers for their input.

**Update:** WG conducted a survey to Registrars and UDRP providers as well as public comment forum. The WG has begun deliberations on a set of charter questions and plans to publish an initial report by December 2012.

**Suggested Session/s:**

UDRP Domain Name Lock Open WG – Thursday 18 October, 9.00am-10.30am

**"Thick" Whois Policy Development Begins**

The GNSO Council have begun the PDP (normally scheduled only for December 2012) to study the issues surrounding a "thick" Whois requirement for all incumbent gTLDs. Volunteers formed a Drafting Team and are working on a charter. During the previous ICANN meeting in Prague, a contract renewal was agreed upon with VeriSign (.com Registry) thus excluding an obligation for thick Whois – this raised some concerns particularly within the IP constituency.

**Update:** Charter from the Drafting Team expected to be submitted for consideration by the GNSO Council by Toronto meeting. Following adoption of the charter, there will be a call for volunteers to form a PDP WG.

### **Whois studies**

'Misuse' of public data (results mid 2013)

Registrant identification (results late 2012)

Proxy/privacy abuse – results are expected shortly (either for discussion in Toronto or shortly after)

Proxy/privacy relay and reveal - Determination of whether doing a full study is feasible. Results showed a full study on this topic is worthwhile with some revisions. Next step is to take to GNSO council on how to proceed.

**Further Reading:** [Whois studies overview](#)

### **Whois Service Requirements Report**

**Background:** in 2009, GNSO requested policy staff to compile set of potential requirements for Whois service that reflect deficiencies in the current service and technical requirements that may be needed to support various policy initiatives suggested in the past. In 2011 a survey was developed to help measure the requirements. Analysis of this may be helpful for IETF protocol efforts.

**Update:** The working group published a draft of the survey in July which received feedback. The final version was released on 13 September 2012 and will close 31 October 2012. The WG will then reconvene to analyse the results and release a report at the end of 2012.

Further Information – [Whois Technical requirements survey initiative](#) , [WHOIS Survey working group Homepage](#)

### **SSAC Comment on Whois Review Team Final Report**

**Background:** ICANN asked each supporting organisation and advisory committee to submit comments on the Review Teams final report. SSAC published SAC055 in response

**Update:** SSAC supported all of the 16 Whois Review Team recommendations. SSAC highlighted a problem; 'understanding the purpose of domain name registration data'.

### **Red Cross, IOC and IGO Names Protection**

Over the past few months the new gTLD committee review determined Board should leave these issues in hands of ICANN's policy making bodies. It was also resolved that GNSO advise Board prior to 31 January 2013 about any global public interest or security and stability concerns with second level protections for the IOC/RCRC. If this advice is not received, the Board will be prepared to adopt GAC recommendations for second level protection (permanent protection of the names at top and second level).

Within the GNSO, an Issue Report on special protections for all international organisations (inc IGO's). Report was published recently and will be discussed in Toronto – requests for PDP and IGO's RCRC and IOCs should be involved in the process. Council expected to vote on a PDP in Toronto.

### **Uniformity of Contracts to Address Registration Abuse**

**Background:** The RAPWG in 2010 developed definitions of abuse and 11 types of specific abuse. They made recommendations for actions with a key recommendation being to evaluate whether a 'minimum baseline' for registration abuse provisions should be created for all in-scope ICANN agreements. A final issue report has been published for GNSO Council consideration.

**Update:** The report recommends a PDP on this topic to which the GNSO council will discuss and perhaps make a decision on the PDP.

### **Suggested Session/s:**

GNSO Working Session – Sunday 14 October, 15.30-16.10

The GAC is meeting on **Saturday, Sunday, Tuesday and Wednesday**.

The sessions on Saturday are closed. Traditionally also the preparation of the Joint meeting of the GAC and ICANN Board and the drafting of the GAC communiqué happens behind closed doors.

On **Monday** 15 October there is a *High Level meeting* for senior government officials around the theme "Preserving and Improving the Multistakeholder model".

On **Tuesday** evening (16.45- 18.00) there's the *Joint meeting of the GAC and the ICANN Board*, always a very popular session. This time, apart from the regular 'hot topics', there's also a timeslot to discuss with the new CEO his plans for the organisation.

The GAC has a detailed agenda with a clear indication of open and closed session published on its own website: [GAC annotated Agenda](#). This is a great improvement compared to previous meetings.

*\*disclaimer, this preview is based on the GAC and ICANN agendas as available on 10 October 2012. Changes made after this date will not be reflected.*

## Main topics and background

### new gTLDs

- potentially controversial and sensitive strings / GAC Early warnings

Shortly after the Toronto meeting the GAC will issue Early Warnings to potentially contentious strings. Early Warnings were introduced to give the GAC early on in the process the opportunity to flag that certain strings risk to receive a negative GAC advice. The Formal GAC advice (formal objection against certain strings) will not be finalised before April 2013. Applicants who receive an Early Warning can get an 80% fee reimbursement if they cancel their application.

-> the GAC will discuss Early warnings on Sunday (9.00 -11.00) and continue this discussion on Tuesday morning (9.00-10.00)

- the overall gTLD timeline; batching/metering; Trademark Clearinghouse; Root Zone Scaling; update from developing countries; IGO protections; IOC and Red Cross and other remaining new gTLDs issues will be discussed on Sunday afternoon.

The Prague communiqué asked ICANN to assure a higher number of applications from developing countries in the next gTLD round. The low uptake in applications was seen as a failure of ICANN's communication and outreach.

The GAC will certainly repeat its concerns about the slow progress in setting up the Trademark Clearinghouse. See also the recent comments by the US government on the matter<sup>1</sup>.

The GAC supported the GNSO proposal to protect the IOC and Red Cross/Red Crescent names at the top level. The ICANN Board rejected this proposal without disclosing the full rationale behind the decision what lead to annoyance within the GNSO and GAC at the Prague meeting. There is a consensus within the GAC that these names should be protected and that a normal PDP procedure would take too much time. (see the March 2012 GAC advice<sup>2</sup>).

There is no consensus within the GAC to grant a similar level of protection for the names of Non-governmental organisations (NGO).

-> new gTLDs general discussions on Sunday (14.30 – 18.00)

<sup>1</sup> NTIA letter to ICANN, 4 October 2012,

<http://www.ntia.doc.gov/other-publication/2012/letter-icann-new-gtlds>

<sup>2</sup> GAC advice to protect the *IOC and Red Cross/Red Crescent names at the top level*, March 2012,

<https://gacweb.icann.org/display/GACADV/2012-03-16-IOCRC-1>



## **IDN ccTLDs**

The refusal by IANA of certain IDN ccTLD applications under the Fast Track procedure for reasons of confusingly similarity with two letter ASCII codes lead to heavy discussions at the Prague meeting. IANA was criticized for lack of transparency, inconsistency, not giving any rational for its decisions and refusing strings for reasons without any scientific ground. Two of the refused strings are IDN version applied for by the Greek ccTLD and the Greek version of the .eu ccTLD.

The Prague communiqué asked for (1) transparency of process and detailed rationale of decisions, (2) re-consideration of the refused IDN ccTLD applications, and (3) an appeal mechanism to challenge decisions on confusability.

-> IDN ccTLDs sessions on Wednesday (11.00-12.00)

## **Security and Stability**

At the Prague meeting the GAC learned that the number of new gTLDs is not crucial for the stability and security of the DNS but rather the speed by which new strings are introduced. The GAC will expect to hear from SSAC what parameters and processes will allow to monitor the and slow down the introduction of new strings if needed.

Also scheduled for this session is a discussion on the SSAC advisory report on *DNS Blocking*<sup>3</sup>, a topic usually of great interest to governments.

-> GAC meeting with SSAC (Tuesday 10.00-11.00)

## **Registry Accreditation Agreement (RAA) and data retention vs privacy**

The GAC has always taken a strong position in favour of including the Law Enforcement Recommendations<sup>4</sup> into the new RAA<sup>5</sup> and put quite some pressure on both ICANN and the registrar community during the previous meetings. Recently critical remarks were made, amongst others by the European Commission's art. 29 Data Protection working group<sup>6</sup>, on the way the recommendations were implemented in the new RAA and the implications for the privacy of the registrant.

-> the RAA is one of the items scheduled for Tuesday morning (11.30-12.30)

## **Ethics and Conflict of Interest**

At the Dakar meeting (October 2011) ICANN made far-reaching promises regarding the review of the organization's Ethics and Conflict of Interest policies. Now, a year later, the GAC is awaiting concrete results. This topic has always been of high importance for the European Commission.

-> on the agenda of the Joint session with the ICANN Board, Tuesday 16.45-18.30

## **High Level meeting - "Preserving and Improving the Multistakeholder model"**

Monday 15 October (11.00-17.45)

The idea of a High Level meeting for Senior government officials has been discussed (contested by some) within the GAC for some time. One of the aims is to bring the ICANN model and the role governments can play via the GAC under the attention.

The morning session will be dedicated to the role of governments within ICANN and to ICANN's role within the global Internet community. In the afternoon there is a meeting scheduled with the ICANN Board and an exchange of views with representatives of the different ICANN stakeholder groups.

<sup>3</sup> SAC 050, DNS Blocking: Benefits Versus Harms, 14 June 2011

[www.icann.org/en/groups/ssac/documents/sac-050-en.pdf](http://www.icann.org/en/groups/ssac/documents/sac-050-en.pdf)

<sup>4</sup> Law Enforcement Recommended RAA Amendments and ICANN Due Diligence, 18 October 2010

<https://gacweb.icann.org/download/attachments/1540145/LEA+Recommendations.pdf?version=1&modificationDate=1320858452000>

<sup>5</sup> Update on the RAA negotiations

<http://www.icann.org/en/news/announcements/announcement-5-24sep12-en.htm>

<sup>6</sup> Letter from the Article 29 Data Protection Working Party to ICANN, 26 September 2012

<http://www.icann.org/en/news/correspondence/kohnstamm-to-crocker-atallah-26sep12-en>



It is foreseen that Governments and the ICANN Board publish a joint Outcome Statement after the meeting.

The meeting is open, except for a short preparatory session just before the meeting with the ICANN Board. However, given that GAC members and government representatives will get reserved seats one might expect that the number of free seats for this meeting will be limited.

## **Open Meetings**

(as noted in the online agenda on 10 October):

Sun. 14 October

09.00-11.00: Early Warnings (new gTLD process)

11.00-12.30: GAC/Board working group (Accountability and transparency review)

14.30-18.00: new gTLD process

Mon. 15 October

11.00-17.45: High Level meeting - "Preserving and Improving the Multistakeholder model"

Tue. 16 October

09.00-10.00: Early Warnings (new gTLD process)

10.00-11.00: GAC/SSAC joint session

11.30-12.30: Registrar Accreditation Agreement (RAA) Negotiations

14.00-15.30: GAC/ccNSO joint meeting

16.45-18.00: GAC/Board joint meeting

Wed. 17 October

11.00-12.00: IDN ccTLDs

## **Links**

[Agenda GAC Toronto](#)

[Agenda GAC High Level meeting Toronto](#)

[GAC Communiqué Prague \(June 2012\)](#)

[GAC Register of Advice](#)