



Report of ICANN 45 Toronto



14 - 19 October, 2012

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Highlights

Fadi Charts the course – A New Season

The most important session of this ICANN meeting was the first official presentation by Fadi Chehadé, the new CEO. He failed to follow one of the main rules of the corporate world as he did not attempt to temper expectations. On the contrary: he raised them sky high. And he wants to be held accountable to them. Accomplishments so far include a new ICANN information hub (www.myicann.org), staff reorg and a radical change in the relation between CEO and Board. An impressive start. The presentation is available online: <http://www.icann.org/en/news/press/kits/toronto45/video-chehade-15oct12-en.htm>

ccNSO

- The Finance WG revised its working plan – new deadline is ICANN 46.
- The ccNSO SOP Committee declines to comment on an uninspired 2013-2016 plan.
- The ICANN Board was well prepared for the exchange with the ccNSO. (Yes, that is new.)
- There is a lot of interest (from the Board and within the ccNSO) in the patent issue. No concrete action taken yet.

gNSO

- Stephan Van Gelder completed his term as Chair of the GNSO council. The council voted in Jonathan Robinson as new chair
- Discussions on the effectiveness of the GNSO. Some comments in the public forum were that ...“The GNSO is not working” –referring the ‘widening silo walls’, complexity and timeliness. Others defended the process vigorously. The role of the GNSO and the GNSO council was also raised in many forums.
- RAA negotiations have advanced with essential remaining topics; whois verification and data retention –with a lot of emphasis and discussions on the Article 29 Working Party letter.
- GNSO resolved to initiate a PDP on the protection on certain International Organisation Names.

GAC

- High Level meeting supports the ICANN multistakeholder model
- Some GAC members suggest prioritisations of geo-TLDs
- SSAC confirms DNS blocking is ineffective and undesirable

Highlights from the Board meeting

- ICANN to create mailing list for all those who will be involved/attend WCIT. Staff to produce a paper on WCIT.
- Article 29 letter in relation to RAA and privacy concerns
- Board timeliness to GAC to improve
- New gTLD implementation issues – URS, IANA readiness, compliance and more. Instruct CEO on all implementation necessities to ensure all on track.
- Rights protection in new gTLD – consensus on new rights protections. Board will continue to listen especially via GNSO
- Trademark clearinghouse – top priority for CEO.

Other

- CENTR members already knew that CIRA is a perfect host (GA 31), but they demonstrated that again to the whole ICANN community for ICANN 45. Thanks CIRA!
- ICANN’s new web-based platform myicann.org was launched during the meeting. The informative site allows users to sign up for email alerts and browse topics by categories.

ccNSO Report

Finance WG – Byron Holland

After the news from Prague (that the cost allocation model used by ICANN was unreliable) the group is preparing a new approach, driven by the cc community.

The main idea is that the financial contributions should be based on a methodology which is not just a pay for service but a value exchange.

Both quantitative and qualitative value should be taken into account

Quantifiable: how much does IANA cost

Qualitative: What is the value of the internationalization the CC's bring to ICANN?

Or, what value would the multistakeholder model have without the ccTLDs?

There are three buckets: specific, shared and global. Of course, there aren't always clear cut boundaries.

Depending on the bucket/category, costs will be attributed in full or proportionally.

It is important to also balance indirect contributions from ccTLDs: e.g. meeting costs carried by the host.

The working group has taken on a set of principles to guide their discussions. The first principle is that ccTLD contributions must be voluntary.

During the session, the ICANN CFO reassured that nothing is going to happen unless ICANN and cc's are in full agreement.

ICANN CFO presentation: <http://toronto45.icann.org/meetings/toronto2012/presentation-cctld-fy13-support-calves-16oct12-en.pdf>

SOP Working group – Roelof Meijer

Task of the Working Group: Assess and comment on the strategic plan, the operational plan and budget.

Group planned to provide input on the 2013 – 2016 Draft strategic plan; however, this plan does not seem to have taken into account the comments we provided in the previous years.

After discussions with the staff, it became clear that this plan was mainly published to stick to the planning cycle, but did not include the views from the new CEO.

It also fails to recognize other initiatives (e.g. the new proposal for ICANN meeting organisation).

Therefore the SOP WG will not comment on this plan, but suggest that ICANN sticks to the previous plan until a completely revised version for 2013-2016 is published. This version should take into account the outcome of open consultations and the new course set out by the new CEO.

The group will collect all previous input that was provided by the ccNSO and send that to Fadi.

ccNSO – ICANN Board session

The ccNSO met with a well prepared board. A refreshing change from the meeting in Prague.

The most important question from the ccNSO to the Board was: "What is ICANN's strategy and vision for WCIT and how will it involve the ccTLDs?"

Chris Disspain: we are down to practical things: coordination of ICANN people that are on the delegation, office in LA will be open around the clock, coordinating breakfasts in Dubai

Tarek Kamel: no need for panic, but take this serious: ICANN is involved in regional prep meetings and is involved with ITU secretariat. The WCIT is not a direct threat to ICANN but might affect the successful multistakeholder model that we know today.

It is important to educate governments and correct common misunderstandings of how the existing internet governance models work.

Baher Esmat and Nigel Hickson will be in Dubai.

Call for attendants on national delegations to let ICANN know about their involvement.

Gonzalo Navarro (Chair of the Board/GAC improvements Committee) also recognized the ccTLDs importance in liaising with local govts.

Fadi Chehadé: ICANN is working on a position paper that will look at how ITRs can harm the multistakeholder model.

Other discussions with the Board included exchanges on the SOP and Finance work, development strategy and the impact of new gTLDs on the ICANN structure.

As we ran out of time, the question from the board whether we needed policy on patent issues in ICANN contracts and negotiations was answered over email. Based on exchanges with CENTR members we have requested the ICANN Board to look into this issue and assess the risk to both security and stability and the future of innovation and development in our industry.

IANA Update – Kim Davies

<http://toronto45.icann.org/meetings/toronto2012/presentation-iana-update-davies-16oct12-en.pdf>

Leslie Cowley pointed out that there is a need for transparent communication on the IANA contract proposal.

Kim Davies will provide more information about the different public consultations and their timelines.

IANA Functions Contract Update – Vernita Harris

<http://toronto45.icann.org/meetings/toronto2012/presentation-iana-functions-contract-harris-16oct12-en.pdf>

Vernita provided an overview of the contracting process and underlined the importance of the multistakeholder model.

The 4 core values are:

- Integrity based on honesty and trust that NTIA will do the right thing
- Intent: decisions are shared. NTIA does not intend to take unilateral decisions
- Results: Consensus policy decisions developed by the global community will be implemented
- Capability: Policy development will be bottom up

Call for input on how the IANA function should look like in 2015.

Suggestions to vharris@ntia.doc.gov

Keith Davidson: should the IANA contract include the policy principles?

New contract requires distinction between policy and operational aspects.

During the discussion that followed the presentation, the importance of the work of the Framework of Interpretation WG was stressed a few times. Many questions relied on the outcome of the WG.

FoI WG update – Keith Davidson

<http://toronto45.icann.org/meetings/toronto2012/presentation-foi-davidson-turcotte-16oct12-en.pdf>

Report to be submitted to ICANN Board will include support from both ccNSO and GAC required.

Topics covered so far:

- Consent
- Significant interested parties
- Revocation or un-consented re-delegation (in progress)
- Comprehensive glossary (in progress)
- Recommendations for IANA reports on delegation and re-delegation (when all other topics are finalized)

Interim report can be found here: <http://ccnso.icann.org/node/34549>

Next steps: Public consultation on revocation will be launched in Q1 2013

Update on the replacement of the WHOIS protocol - Murray Kucherawy

(co-chair of the IETF WG on RESTful Whois); Francisco Arias, ICANN

This session presented an update on the activities in the IETF to develop a new protocol to replace WHOIS. The replacement of the WHOIS protocol has been recommended by SSAC on SAC 051 report and adopted by the ICANN Board, who requested the development of a roadmap with that end. The

roadmap was published on 4 June 2012 and is available at

<http://www.icann.org/en/news/announcements/announcement-6-04jun12-en.htm>

WHOIS has never been internationalized. WHOIS has neither data framework nor standards for expressing queries.

WHOIS can't differentiate between clients (LEA and data miners look the same)

IETF Web extensible internet registration data service (WEIRDS)

Goal: to standardize a data framework, including internationalized data that can differentiate between users.

Work scheduled to complete by December 2013

The comments from the room had one main theme: "Where is the demand on the registries' side?"

ccNSO – GAC session

One change in format: a double act by SIDN and the Dutch government to demonstrate their cooperative model. Sieger Springer and Thomas de Haan presented the joint initiatives and projects run by SIDN and the Dutch Government to promote DNSSEC, leading up to more than 1 million signed domains.

Other topics discussed: Financial contributions, SOP update and update form working group on country and territory names. The latter urged GAC members to answer the UNESCO survey – as interim results show very low response rates.

WCIT session – Panel Discussion

Bill Drake – Non-commercial users- gNSO:

- There is no gNSO view on WCIT.
- This hasn't come up at gNSO council discussions.
- Organising workshop with ISOC on ITRs.
- Although governments can put forward reservations, bad proposals can still have a significant impact.
- Potential issues:
 - o Who is covered by ITRs? Some proposals say that any operating agency is involved in global communications would fall under the regime.
 - o How? By including "and information processing" or including "and ICT".
 - o Other issues: SPAM, online fraud, number abuse, security, supervise all entities under jurisdiction, ITU becoming dispute resolution body,
 - o Whole range of issue dealing with finances. Reinvigorate old accounting system.
 - o ETNO proposals, trying to seek regulatory relief through a treaty. Quality of service, sender pays principle, ...

Byron Holland asked to be more specific on the impact on ccTLDs.

None of the panelists could point out anything that would impact ccTLDs specifically, but all warned that because of changing governance models, the ecosystem could be affected.

Byron Holland: Quality of Service obligations could impact those that run their own DNS infrastructure. Some security discussions could impact cc's as they hold lots of data that governments could be interested in.

Bill: lots of governments are struggling with the distinction between telecommunications and Internet applications.

What if all proposals would be approved? If ITRs are implemented by some countries but not by others, the internet would probably break up as the different models could not work together.

It would also move the fora in which standards and processes are discussed to one in which it would be difficult for smaller organisations to participate and have influence.

Eight things to remember of WCIT (Allan Macgillivray – CIRA)

1. It is about telecommunications
2. It is a government meeting
3. The ITU temp document (TD 64) is not a formal treaty proposal
4. 'internet governance' is not the subject of any specific proposal – but changes in the current government model would result from some proposals.
5. The implications of the proposals made are huge
6. AA revised treaty in two weeks is unrealistic
7. It will not be over in December
8. If this is of concern, talk to your government.

Nick Thornton – new proposals will emerge during WCIT - unless ccTLDs are present in the room, the delegates might fail to understand the impact of them.

Registry Update session

TLD statistics: Gaining maximum information about your domains – Andrei Kolesnikov, .ru; Katrina Sataki, .lv

Understanding the processes in your TLD is essential for business and critical for development of the efficient strategy for your operations. Comprehensive statistical analysis of your TLD data helps you to turn raw information into knowledge, helping your domain to grow. In this presentation .LV shared their experience and showcased the tool developed by .RU. See also <http://statdom.ru/>.

<http://toronto45.icann.org/meetings/toronto2012/presentation-tld-statistics-kolesnikov-sataki-17oct12-en.pdf>

.nz – Registrations at the second level proposal - Debbie Monahan, Domain Name Commissioner, .nz
The .nz Domain Name Commission is proposing to extend the .nz domain name space by allowing registrations at the second level. At present .nz domain names can only be registered at the third level, under 15 different second level domains. A paper was prepared explaining what changes are proposed and why and a public consultation undertaken over four months.

<http://toronto45.icann.org/meetings/toronto2012/presentation-nz-second-level-registrations-monahan-17oct12-en.pdf>

Afnic re-appointed as .fr registry – Mathieu Weill, .fr

On July 1st, Afnic was re-appointed as .fr registry manager, following a competitive tender launched in March. <http://toronto45.icann.org/meetings/toronto2012/presentation-afnic-reappointed-weill-17oct12-en.pdf>

.fi – Changes in Domain Name Act and New Organisational Structure – Juhani Juselius, .fi

.FI is about to go through one of the most – or even the biggest change so far in the history of the registry. Discussed changes in the Domain Name Act will change the external environment radically while the re-structuring of the registry will cause major internal changes as well.

Panel Discussion on Registry Principles (written by Carolina Aguerre from LACTLD)

Demi Getschko Registry principles in .br agrees with the idea that some of the principles should be for all.

.fr: extensive regulation, domain name act with embedded principles: first come-first served. Registration rules: open, transparent, non-discriminatory; registry-registrars separated; neither of 2 can cancel or block a domain names unless certain legal acts are brought in.

.dk: Heavily regulated about principles. Framework regulation. They have to represent the Danish Internet community. Provide all users. Be transparent. Non-profit.

.no: Less regulated than .dk. Follows RFC 1591

.nl principles come from RFC 1591 and from what they consider best practices by many "First come, first served", Governance principles (independent supervisory board). Some are technical principles, are economic. They don't have a whole list.

.nz: 2 subsidiaries and a registry.

How and why did .nz do this?

Information sharing, common language, it was more important for us to work with others similar to us. We wanted to codify the way we work so that we could share it with others with the hope that we could then work with ICANN. There are not very many principles, nor clear ones, that guide ICANN. One of the ideas behind all this is to influence ICANN.

.br: Policy principles as well as registry principles. Policy principles are aligned with ISOC issues.

TLD principles are more along a policy development process.

.br ISC: body comprising 21 members

The Internet Steering Committee delegates to nic.br the process of registration of domain names and is funded by them.

Principles for the Governance and Use of the Internet

Two-way collaboration with the Brazilian Internet Steering Committee

1. Freedom, privacy and human rights. The network is not guilty of what happens in the real world.
2. Democratic and collaborative governance.
3. Universality
4. Diversity
5. Innovation
6. Network neutrality
7. Network unaccountability
8. Functionality, security

Principles for nic.br:

- General principles
 - o First come, first served.
 - o Registrant data should be public.
 - o Policy defined inside the territory, by a multi-stakeholder process
 - o Fairness on the process, transparency of the rules
 - o Secure and stable operations
 - o Collaboration
- Specific principles for .br
 - o Open just for Brazilians
 - o Thick and open registry (any provider could act as Registrar, even the Registrar itself, EPP).
 - o Different levels and characteristics of 2nd level domains
 - o (natural persons, professionals, blogs, NGOs, business, sponsors restricted sub.domains: gov.br, .jus.br, leg.br. b.br)

- Very constrained process of liberations and transfer of domains
- Local UDRP, actually with 3 chambers for conflict resolution

.no: what happens with the first comes first served

Some of the principles are in the mission, some in the objectives but they are not easy to find.

.dk: sole registrant since 1999. But they have full control of the owner of domain names

Mathieu: With principles. Watchout with compliance, otherwise if the principles are not respected you can go to court.

Internetnz.net.nz

7 .nz TLD Principles

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-multistakeholder processes.

.no: Registrant: who is the legal entity that is the registrant? Registrant data is a much more down to earth principle than first come first serve. As cc are bound by the laws of the land.

.nl: How do strategies, values and principles interact? Values and principles help you realize your strategy. It starts with the principles and values, when they are embedded then they move on to strategy.

.dk: Interactions with the values and the principles. They're going to be there a long time.

.fr: It's not impossible although it's a challenge to be commercial and also to serve the public benefit. The fact that we're not for profit is a benefit to society.

gNSO Report

GNSO Review and role of the Council

This session spawned from GNSO 'wrap up sessions' whereby the free for all nature was noted to produce very productive outputs. There was no official agenda however key topics explored were the GNSO review and the role of the Council within the broader GNSO.

The review of the GNSO is normally should take place every 5 years – with the next review scheduled for 2013 - however the board have discretion to not go ahead with the review if they don't feel it's appropriate. Previously it was discussed in other meetings review shouldn't go ahead given new gTLD program particularly in relation to GNSO structure. It was noted also that the Council is free to make recommendations to the Board regarding the time of the review. There was no specific outcome on this topic.

GNSO Council Chair Elections

The two candidates for the new Council Chair (Stephen Van Gelder completes term) were Jonathan Robinson and Thomas Rickert. During the Registry Stakeholder Group sessions with the GNSO it was voted upon that Mason Cole would be the Vice Chair. Mason is with Donuts (a gTLD company) and was formally the chair of the Registrar Stakeholder Group.

Questions/discussion points within the GNSO on the Chair;

- Perception of neutrality and be different from intended and actual neutrality. Can you remain a good advocate of your stakeholder group – probably it will be compromised by virtue of becoming the chair.

Jonathan Robinson was elected as the new Chair of the GNSO in the GNSO Public Council Meeting

Protection of International Olympic Committee (IOC) and Red Cross (RC) names and IGO names

Several weeks before ICANN Toronto, the drafting team recommendations were posted with a comment period which closes 9 November. The drafting team recommended that a PDP on protections should go forward. In meantime they also recommend temporary protection (moratorium) on specific names mentioned names (Red Cross and IOC) being registered at second level.

Issues to explore in a PDP – definition of international organisation, qualifying entities to be considered for special protections, scope of existing protections under international treaties for Red Cross, IOC and IGO names etc.

- Consideration also to expand terms from any new gTLDs to include existing gTLDs.
- Noted that Red Cross requested meeting with senior management in Toronto – their position is that protection is 'a legal requirement not a policy discussion'.
- Some comments from council suggest a charter should already be developed and that the PDP should be expedited.
- Some discussion on whether INGOs should be included or not.

Result: Motion on the Initiation of a Policy Development Process on the Protection of Certain International Organization Names in all GTLDs. The motion was approved

GNSO initiates a PDP to evaluate whether there is a need for special protections at the top and second level in all gTLDs for the names of the following types of international organizations: IGOs and INGOs receiving protections under treaties and statutes under multiple jurisdictions, and specifically including the RCRC and IOC, and if so, to develop policy recommendations for such protections.

Registrar Accreditation Agreement (RAA)

Regarding the Law Enforcement (LE) recommendations, it is Intended to close negotiations (Registrars and LE) by December 2012 and target is to have approval of RAA by ICANN Beijing Meeting. Key topics remaining in the negotiations are whois verification and data retention. In many discussions/sessions on

this topic, the letter from the Article 29 working party was raised which speaks about the unlawful aspects of the RAA aspects in relation to data collection/retention (see below). The topic of data quality/accuracy in the whois also was raised in several sessions relating to these remaining areas of negotiations. Some comments received stated that the verification topic is not only a burden on Registrars but also not a good method of retaining/improving data quality/accuracy (“anyone can provide a fake telephone number or email address”)

Developments:

- Since last ICANN meeting there has been 6 negotiation sessions with 2 face to face.

Key remaining areas negotiations:

- Whois verification ‘Email AND phone’ (ICANN) vs ‘email OR phone’ (Registrars)
- Timing of verification; pre or post resolution.
- Data retention (6 months for more sensitive information vs 2 year for less sensitive) see further information at <http://toronto45.icann.org/meetings/toronto2012/presentation-raa-negotiations-summary-24sep12-en.pdf>
- LE is willing to accept post resolution only if verification is email AND phone.
- Whois verification: Registrars have good support for post registration validation of either email or telephone at the election of the Registrar.
- Data retention: agreement on bifurcated schedule – 6 months vs 2 years. There is recognition (particularly given the recent Article 29 working party letter) that there may be Registries/Registrars with law locals preventing them to retain data even at 6 month level. To address this ICANN propose to modify the existing ‘Whois conflict of law policy’ to extend it to in a way whereby Registry/Registrar can apply for waivers. Some concerns from GNSO regarding modification of the Whois conflict policy as a solution for Registries/Registrars. On this point, many stated it should be best left to the national governments to legislate in this if they wish. Others also stated that if European Registrars have an opt-out option, it could create a competitive advantage for those concerned.

Other areas from the RAA negotiations;

- Agreement on Abuse point of contact (for LE and public)
- Creation of proxy accreditation program (see below)
- Additional Registrar information to be provided to ICANN (to be published on Registrar)
- Enhanced compliance remedies (suspension will be a possibility) and new grounds for termination.
- Another discussion point was ‘future updates to the RAA’.
- ICANN is requested a revocation clause to be included – this caused a lot of concern among the community. ICANN state it’s justified by the potential of a ‘changed marketplace’ (eg. bad actors it can’t get rid of) and being responsive to these changes. Many comments from GNSO Council members as well as the community in other sessions raised concern on this stating unilateral revocation is going too far and will also have knock on impacts to investors in Registries/Registrars who will see that term in an RAA as an investment risk. They state there are other mechanisms in a contract relating to performance as well as amendment options that are sufficient to deal with this area. The revocation clause is generally not supported by the community

Privacy/Proxy Accreditation Program

The privacy/proxy accreditation program was conceived during the current round of RAA amendment discussions

Points made during a session on this topic;

- Should oversight in this way be part of the ICANN role? – is it getting too far from its essential work in registration of domain name – LE say yes, it is ICANN role.

- Cost implication will be high – which will fall on registrations. Perhaps there are better ways – eg putting certain requirements directly in the RAA.

See more on this: <http://toronto45.icann.org/meetings/toronto2012/presentation-privacy-proxy-17oct12-en.pdf>

Inter-Registrar Transfer Procedure Part C (IRTPC)

The Final report was submitted in October 2012 and a motion to adopt the report and recommendations was put forward in Toronto.

- Key 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
- The Council were complimentary of the working group for the speedy PDP.

Result: **Motion on Adoption of IRTP Part C Final Report and Recommendations** - Motion approved

‘Thick’ Whois

Result: Motion to approve the Charter for the ‘thick’ Whois PDP Working Group - Motion approved
GNSO Council approves the charter on the PDP working group on ‘thick’ Whois to be initiated within 14 days)

Whois studies

- ‘Misuse’ of public data (results mid 2013).
- Registrant identification (results late 2012) – draft report due directly post Toronto.
- Proxy/privacy abuse – currently starting phase 2 of the study
- 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 GSNO council on how to proceed.

IETF WEIRDS Working Group

Details of the need for a new protocol to deal with inefficiencies of the current protocol. The working group was chartered in April and working on 5 core RFCs. Working group aim to be completed by December 2013 (RFC’s not necessarily published by then).

IETF Whois Activities

On access protocol – need for a new protocol: key reason is whois from RFC 3912 has never been internationalised. Also the whois has no data framework and does not support differentiated access. Because of this, IETF has WIERD (web extensible internet registration data service)

- An explanation to a whois query in a RESTful Whois environment was given
- The working group is working on 4 core RFC’s and schedule to complete by August 2013

Consumer metrics advice

It was noted that if adopted by the future affirmation of commitments review team the advice will be critical to measuring the success of the new gTLD program. The final version of the advice letter was sent to the GNSO council on 17 August 2012. Some of the definitions were outlined to the GNSO (consumer, consumer trust, consumer choice and competition – see presentation slides:

<http://toronto45.icann.org/meetings/toronto2012/presentation-cctc-13oct12-en.pdf>

SSAC Update

The Security & Stability Advisory Committee gave an update of their activities to the GNSO.

- Regarding Whois –the reasons/purpose of why registration data is collected is one of the core questions needed to be answered as it relates to all areas of Whois discussions.
- Why data is collected and the access to data are 2 very different things.
- Comment period for the SSAC report ended already and SSAC are currently reviewing the comments.

See presentation slides on SSAC activities:

<http://toronto45.icann.org/meetings/toronto2012/presentation-ssac-update-14oct12-en.pdf>

Fake Renewal Notices

The issue of fake renewal notices was discussed with Mason Cole speaking on behalf of a drafting team formed to gather information on the problem. Some proposals mentioned were that they are talking to ICANN compliance department to see among other things if they could help the issue by usage of the Registrar Accreditation Agreement (RAA). They also plan to communicate the issue to consumer protection authorities mostly in the U.S and Canada. Other points made;

It was noted that there has been fewer than 100 complaints to ICANN compliance since 2008 however it was generally recognised that there are many more but they are not reported to ICANN – they instead in many cases are reported to the Registrars.

Next steps for the group are to continue gathering evidence and data on the issue and try to inform and work with the consumer protection authorities.

New gTLDs

Selected Summary points;

- General Manager of new gTLD program team is Christine Willett
- Use of 'drawing' for prioritising applications (See below)
- 7 withdrawals (AND, ARE, EST, CHATR, CIALIS, KSB and 1 in process), Objections filed: 0
- 127 change requests (29 approved, also to be posted on ICANN site with comment period)
- Application comments – 8,956 comments received directed to the evaluation panels. Most comments are in the area of 'Registry services' as well as 'string similarity'.
- Evaluation status presented with target completion dates to the different areas (financial, technical, geographic, string similarity, registry services, DNS stability, background screening). Financial evaluation and technical evaluation have been the most complex. Applications are being allotted to evaluators by grouping them according them to same applicant or having the same back end provider.
- In terms of communications there have been monthly webinars, evaluation status, weekly updates etc. There is also an applicant corner – one-stop for everything new gTLD related.

New gTLDs - Prioritisation Drawing

Recently announced, this seems to be the method to which ICANN will process applications (previous idea was digital archery). The proposal is open for public comment until 9 November.

Prioritizing drawing involves ICANN assigning a priority number to each application (the draw number). The draw will occur between 4-15 December and be done through the sale of numbered paper tickets – applicants need to purchase tickets (\$100) in person (or proxy – ICANN appointed if needed) before the draw occurs. As a result of the draw, applicants will be assigned a draw number that will determine priority during the entire process. More information at <http://www.icann.org/en/news/public-comment/drawing-prioritization-10oct12-en.htm>

and session slides at <http://toronto45.icann.org/meetings/toronto2012/presentation-prioritizing-new-gtld-applications-17oct12-en.pdf>

Other points on this method

- IDN applicants will take a priority

- Opt-outs are possible to applicants where timing is less important
- Contracts will be executed starting after the ICANN Beijing meeting.
- Delegations to 1000 per year

New gTLDs - Applicant Support Program

Applications are being reviewed by 5 member panel with decisions expected 30 November 2012. 3 applications were received.

New gTLDs - EBERO (Emergency Back End Registry Operator)

In December 2012 there will be 4 service providers selected (currently ICANN is working on terms of agreements). Between Jan-April 2013 EBERO will be designed and built then test and simulations will occur. EBERO will go live in May 2013.

New gTLDs - Clarifying Questions

Purpose: to provide applicants with opportunity to clarify aspects of the applications that evaluators find do not contain enough information to award a passing score. It was noted that many applications will receive clarifying questions.

More details: <http://newgtlds.icann.org/en/applicants/clarification-questions>

New gTLDs - Trademark Clearinghouse implementation

Details of clearinghouse usage were provided. Other notes;

- Details on sunrise process, proof of use, matching rules and dispute resolution -see slides: <http://toronto45.icann.org/presentation-tmch-implementation-17oct12-en.pdf>
- URS – a complement to UDRP. RFI was in September for providers. Decision will be made this year – key issues on cost targets.
- Discussion on 'live query' aspect. Pro's and con's should be discussed.
- Discussion of community proposed model (see below) – ARI and Neustar model particularly regarding the potential single point of failure.

The Community Sunrise Model

Christ Wright from ARI presented an alternative model to ICANNs proposed new gTLDs sunrise period process based on a public key infrastructure (PKI). The proposal (from ARI and Neustar) seems generally well accepted and supported in the community as a good alternative to the ICANN model. More details on the proposal here: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/claims-model-26sep12-en.pdf>

Uniform Rapid Suspension

As a compliment to the UDRP, the Uniform Rapid Suspension will address cases of clear cut trademark infringement. An RFI was issued in late September to gather information

Impact of new gTLD program on ICANN structure and processes

In a session between the GNSO and ICANN Board this topic took a prime focus.

Discussions move around – structure/reforms, speed and timing, size and also the link between this topic and the GNSO review. On this topic, Jeff Neuman stated Registry stakeholder group (one of the first to be impacted) have already made some changes to bylaws and noted the new TLD applicant group is a steadily growing group and have started producing documents etc - he stated that this a good sign of the bottom up process.

Points made from Board and GNSO;

- From a Board perspective, it's very unlikely there will be any recommendations before Beijing meeting. It was noted the current structure does have resilience – at least in the short term, to handle this large change.

- The Board stated there are several questions to be discussed in relation to organisational aspects eg. Is the program going to bring more attendees to the meetings or not?
- A GNSO review will give a snap shot of strengths and weaknesses of the organisation so perhaps should be encouraged.
- It's a good time to review structure of council – why not open up to broader structure?
- Discussion on at what level this should be worked upon –stakeholder groups are already discussing this. Fact finding at stakeholder level, and Council could take this further.
- Best to leave this discussion to stakeholder and constituency level.

Article 29 Letter (whois verification and data retention)

The GNSO discussed with the Board the views on the article 29 letter particularly in respect to whether the elements of Whois verification and data retention should be taken out of the RAA. Some comments;

- Registrar stakeholders: There would be a competitive advantage to European registrars if they can opt out of data retention requirements. This issue should go to a PDP given the complex nature of the issue.
- Leave jurisdictions to decide on whether they have data retention elements. Milton Muller - “If some countries want to impose retention + validation they can legislate”. This view was echoed in other sessions and that ICANN should not act like a regulator.
- Erika Mann – “ICANN needs to engage with privacy authorities”
- The purpose of data collection came up in many sessions – before addressing data protection, the purpose of its collection should be answered.

Locking of a Domain Name subject to UDRP proceedings

Michele Neylon gave an overview of the group's work and charter questions. There has been a survey to Registrars and UDRP providers as well as a public comment forum and outreach to SO/ACs. There is hope to publish an initial report by December.

Uniformity of Contract to combat Abuse

The recommendations from Issue Report is to; Initiate formal PDP, form a WG to study specific registration abuse and identify specific anti-abuse practices and determine if uniform provisions would work. If no PDP, it is recommended to draft potential uniform provisions for direct community review and comment. See presentation slides; <http://toronto45.icann.org/meetings/toronto2012/presentation-uofc-final-issue-report-14oct12-en.pdf>

NTAG (New TLD Applicant Group)

NTAG is an interest group within the Registries Stakeholder Group and currently has around 80 members. The group met in Toronto and discussed the trademark clearinghouse, the new drawing proposal and the potential flexibility of the 1000/year limit on root delegation – they are hoping there will be some room to change this. The group also are speaking about meeting again before Beijing.

GNSO Motions Summary

1. Motion on the Adoption of a Working Group on Consumer Trust, Consumer Choice, and Competition (CTCCC):

Given discussions within the GNSO over the weekend, the motion is withdrawn – due to issues with timing and changing nature of new gTLD applicants. There is more work needed.

2. Motion on the Initiation of a Policy Development Process on Uniformity of Contracts to Address Registration Abuse

The motion was withdrawn.

3. Motion to Request an Issue Report on the Uniformity of Reporting
The motion was approved

GNSO Council requests an Issue Report on the current state of uniformity in the mechanisms to initiate, track, and analyse policy-violation reports.

4. Motion on the Initiation of a Policy Development Process on the Protection of Certain International Organization Names in all GTLDs.
The motion was approved

GNSO initiates a PDP to evaluate whether there is a need for special protections at the top and second level in all gTLDs for the names of the following types of international organizations: IGOs and INGOs receiving protections under treaties and statutes under multiple jurisdictions, and specifically including the RCRC and IOC, and if so, to develop policy recommendations for such protections.

5. Motion to approve the Charter for the 'thick' Whois PDP Working Group
Motion was approved

GNSO Council approves the charter on the PDP working group on 'thick' Whois to be initiated within 14 days)

6. Motion on the Adoption of the IRTP Part C Final Report and Recommendations
Motion was approved

GNSO Council recommends to the ICANN Board of Directors the adoption of the IRTP Part C recommendations

7. GNSO Council Motion to Initiate Issues Report on Recommendation 2 of the Internationalized Registration Data Working Group (IRD-WG) Final Report
Motion was approved

GAC Report

Introduction

'Old habits die hard' – a considerable part of the GAC sessions happened behind closed doors. But it was the unpredictability of the closed sessions – regardless of whether a session was marked as public or closed in the agenda – that annoyed many people.

The doors remained closed for two reasons: internal preparations for the Early Warnings and yet another round of harsh discussions on the GAC secretariat.

During the ICANN week (Monday) the GAC held a High Level meeting for Senior government officials to discuss ICANN's multistakeholder model.

On 13 October 2012 the GAC received a letter from the ICANN Board¹ in response to the GAC advice in the Prague Communiqué. While the letter itself was seen as a positive step it was criticised because it only arrived on the first day of the GAC meeting with as result that its content hardly was taking into account during discussions.

At the time of writing of this report the GAC Communiqué was not yet available. It is during the drafting of the Communiqué, traditionally behind closed doors that GAC position or GAC advice is agreed upon. The many closed sessions during this week make it difficult to predict what the final text will look like.

New gTLDs

Early warnings

Shortly after the Toronto meeting, the GAC will issue Early Warnings to potentially contentious strings. With an early warning GAC 'warns' an applicant that a certain string risks to receive a negative formal GAC advice later on in the process. Applicants who receive an early warning can cancel their application and receive a 80% reimbursement of the application fee.

Before processing the new gTLD applications, the GAC members needed the Toronto meeting to come to a common understanding of the process and to make sure that they share the same definition of 'Early warning' and its consequences. The closed sessions were also used to discuss the internal procedures and deadlines for the issuing of Early Warnings.

One of questions that came up was for example how to deal with strings that are problematic for different countries, strings that get opposition from one country or stringed that pose a problem for one country but the concern is shared by others.

Prioritizing new gTLD Applications for delegation

The presentation of the plan to prioritize among the new gTLD applications² and via this way keep control over the speed by which applications are processed (contracts signed) and send over to IANA to be delegated was overall well received by the GAC members.

The GAC members understood that some of the annoying and unpractical parts of the proposal such as the obligation that applicants have to buy, in person and in the US a paper draw ticket for 100 USD are necessary to fit within the US legal framework on lotteries.

The GAC members welcomed ICANN's plan to prioritize all IDN applications ahead of ASCII applications. Some individual members asked in addition the prioritisation of other types of strings. The UK representative, for example, suggested that all government approved geo-names, IDN or non IDN, should be given priority. Brazil had a similar request, but specific for city names.

¹ Response to GAC Communiqué, Prague, <http://www.icann.org/en/news/correspondence/crocker-to-dryden-13oct12-en>

² Use of a Drawing for Prioritizing New gTLD Applications, <http://www.icann.org/en/news/announcements/announcement-2-10oct12-en.htm>

³ NTIA letter to ICANN, 4 October 2012, <http://www.ntia.doc.gov/other-publication/2012/letter-icann-new-gtlds>

One will have to check the text of the communiqué to see if one of these suggestions received enough support to become GAC advice.

Protection of IGO's

A UN representative read a statement, on behalf of 40 different Intergovernmental organisations (IGOs) about their concerns for misleading registrations of IGO names and acronyms. The statement asked ICANN to grant protection to IGO names before 2013 introduction of new gTLDs.

The US representative who during previous meetings always strongly argued against granting protection for IGO names and acronyms on similar grounds as the ones used to protect the IOC and Red Cross/Red Crescent names now said to share the concerns of the IGOs and suggested an alternative solution. She suggested to provide protection based on the existing criteria that are used to decide which organisations can register under the .int TLD.

Trademark clearing house

GAC members expressed their concern about the slow progress in setting up the Trademark Clearing house. The EU Commission underlined the need of a concrete timeline and clarification regarding the protection of geo-names and the US referred to the NTIA letter on issue to be resolved³.

Root zone scaling

The GAC acknowledged that the Board had reported in its 13 October response to the Prague Communiqué on the GAC advice regarding root zone scaling. There was no further discussion since no one had had the change to analyse the response.

Uptake new gTLDs in developing countries

GAC members repeated that in the next round special attention should go to developing countries and welcomed the new working group on Africa / Latin America.

Protection of IOC, Red Cross/Red Crescent names

The US representative noted that the recent Board resolution was a step the right direction. The resolution recognised the GAC advice and sent a signal in recognition of the ongoing work in the GNSO to protect these names on the second level.

She welcomed the draft recommendation published by the GNSO drafting team⁴ to accept a moratorium on IOC and Red Cross/Red Crescent names on the second level as long as the PDP is ongoing; but she warned that here was still the risk that the final conclusion of the PDP would not grant protection on the second level.

WHO views on .health application

The GAC received a delegation of the World Health Organisation (WHO) which came to asking for an Early Warning for the .health applications.

SSAC – update for the GAC

Report dotless domains

SSAC presented the findings of its report on the use of dotless domains⁵ and explained by it strongly advised against the introduction of domain names without the dot.

The SSAC representatives had it difficult to explain to GAC members why SSAC decided to look into this issue while there are no plans or proposals to introduce such names.

DNS Blocking

³ NTIA letter to ICANN, 4 October 2012, <http://www.ntia.doc.gov/other-publication/2012/letter-icann-new-gtlds>

⁴ Protection of IOC / Red Cross Names Drafting Team – Recommendations

<https://www.icann.org/en/news/announcements/announcement-28sep12-en.htm>

⁵ SSAC Report on Dotless Domains <https://www.icann.org/en/news/announcements/announcement-24aug12-en.htm>

SSAC presented the conclusions of its Advisory on Impacts of Content Blocking via the Domain Name System (09 October 2012)⁶. It gave a good overview of the risks, ineffectiveness and technical issues of blocking. Unfortunately the way in which the conclusions were presented awkwardly suggested that blocking at DNS registry level was the most effective.

GAC members were interested to hear how widespread DNS blocking was. Patrick Falström (SSAC) had to admit that collecting information on blocking was not easy. SSAC had been looking for evidence of blocking of the .xxx domain but so far without finding any proof. Patrick said that he personally thinks that the rumors about blocking are more widespread than the blocking practices.

He warned that in the existing blocking cases the blocking of the DNS is usually ineffective because the DNS is blocked while in reality one wants to block the services.

On the question from the Indian representative what measure were most effective Patrick answered that the most effective way to block a service is to close the service. He stressed the importance of cooperation between countries.

The Dutch representative suggested that the GAC should send the signal that blocking is undesirable.

Whois policy review team

Jim Galvin (SSAC) explained why SSAC asks to add an additional recommendation to the Whois review team's final report. According to SSAC the most urgent problem in all Whois related discussions is that there is no clear understanding of the purpose of domain name registration data.

He also urged to recognize the difference between collecting data and access to data and keep both separate in the discussions (collecting is a technical question – access and use of the data is a policy question).

RAA negotiations

Bobby Flaim (FBI) gave an update on the negotiations between ICANN and registrars on the Registry Accreditation Agreement and said that data collection, data verification and Whois validation were still outstanding issues.

According to Bobby Flaim were the issues referred to in the letter of Artikel 29 Working Party already solved in the last version of the draft RAA of 19 September 2012.

He was less optimistic with regard to the negotiations on data validation (what data? pre or post validation?) and said that he expects that ICANN would have to take a unilateral decision in this. Nevertheless he hoped that the draft RAA would be ready by the Beijing meeting.

GAC ccNSO meeting

See higher

GAC meeting with Board

The GAC meeting with the ICANN Board was less interesting than usual. This was partially due to the Board's response to Prague communiqué which addressed all the issues the GAC usually discusses with the Board during the joint sessions.

The meeting ended up being a number of short interventions and questions regarding the topics the GAC is working on:

- procedure Whois conflicts with national privacy law; ICANN works on a revised process
- EC explains that the Article 29 comments are not the official EU Commission position
- ICANN will post a new agreement on due diligence
- GAC wonders how ICANN foresees to follow up if applicants comply to certain commitments they made when applying for a string
- prioritization of geo-TLDs
- protection of IOC on the second level

⁶ SSAC Advisory on Impacts of Content Blocking via the Domain Name System (09 October 2012)
<https://www.icann.org/en/groups/ssac/documents/sac-056-en.pdf>

- protection of IGO's
- what is the timeline for the Ethics and COI policies?
- root scaling
- SSAC presentation made clear that blocking at DNS level is ineffective

GAC/Board meeting on GAC-related ATRT Recommendations

The GAC/Board working group discussed ideas for a better follow up of GAC advice (Implementation of Recommendations 9-14). Some suggested a strict timeline for the Board to answer or on GAC advice or a Bylaw change to require a 2/3 majority of Board members in case the ICANN Board decides to ignore GAC Advice.

Another returning question is how to involve the GAC early on in the DPD process.

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

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

The meeting was overall very constructive with a strong support for ICANN and the multistakeholder model. It was stressed that ICANN had to continue its work to enhance transparency and accountability but in the mean time there one recognized the need to strengthen active participation of governments in the GAC and the role of GAC within ICANN.

The Governments discussed with the ICANN Board the need of the further globalization of the ICANN model and underlined the importance of the upcoming ATRT review which starts in 2013.