



# **CENTR Guide for ICANN BEIJING**

**ccNSO, gNSO and GAC**

**Key issues**

---

**April 01, 2013**

# ccNSO Highlights

---

In the recent weeks I have read with interest numerous pre-reports about the ICANN Beijing meeting. Most - if not all - don't even mention the ccNSO. Is there truly a lack of news value there?

Here is my personal top three:

There is at least one discussion that should capture every ccTLD's attention: after years of finance committees, cost allocation methods, different cost allocation methods and pretty direct demands for ccTLD contributions from the former ICANN CEO's, the discussion enters its final stages.

Since a month or two, ICANN's CEO has communicated on a number of occasions that he does not believe it is ICANN's role to bully ccTLDs into paying a financial contribution. Instead, the attention should refocus on the goals shared between ICANN and the ccTLDs and increase the cooperation.

(Some might rephrase this as: in WCIT and WTPF times, the ccTLDs strong link with their governments is much more valuable than any financial contribution – especially since these contributions will be negligible when included in the overall ICANN budget.)

The finance committee is planning to continue the discussion to find one (or more) models that could help ccTLDs to assess what a fair voluntary contribution would look like in the light of the costs assigned to the working of the ccNSO and the larger policy development work that affects and benefits ccTLDs. The discussion takes place on Tuesday morning from 9.00 to 10.00 AM in room Function 2AB.

A second topic of interest will be the update of the FoI working group. They have tackled the subtopic 'unconsented delegation' and will be reporting their progress. Same room 11.40 to 12.10.

The traditional panel discussion on the afternoon of the second day looks quite promising too. The ccNSO has had excellent panel discussions in the past on the strategic issues that face our industry and I am looking forward to this one. (Wednesday April 10<sup>th</sup>, 14.00 to 15.30, Function Room 2AB)

One issue that will most likely not be discussed at the ccNSO Beijing meeting is the recent ICANN reputational study on ccTLDs. While I feel that the results would be very much of interest to the cc Community the study will not be presented.

The full agenda of the ccNSO sessions in Beijing can be found here:

<https://ccnso.icann.org/meetings/beijing/agenda.htm>

# Key topics current within the GNSO

---

Some of the key topics to be discussed in Beijing will be; **New gTLDs (Registrar Accreditation agreement, Trademark clearinghouse, Initial Evaluations), locking of domains subject to UDRP proceedings, Whois changes, Protection of ICO/Red Cross/IGO names, Inter-Registrar transfer policy (IRTP) and uniformity of reporting.**

## **New gTLDs – Recent Updates**

**Initial Evaluation (IE)** - ICANN has started releasing [initial evaluation \(IE\) results](#) (IDNs first) for new gTLDs. The evaluation results are being released in increments of 30 per week (plans for 100) with expectations of all applications published by the end of August 2013. Applications that pass are eligible to proceed to contracting (with execution of Registry Agreement) as early as 23 April 2013. **New:** second set of evaluations just released on 29<sup>th</sup> March: total of 52 IDN applications passed so far (out of 60).

**Trademark Clearinghouse** – ICANN recently launched the [Clearinghouse](#) (for trademark holders to protect their rights against new gTLDs) with a cost for registration of up to 150 USD per year. A ‘strawman’ solution was presented in late 2012 with many [additional aspects](#) adopted in the final clearinghouse. **New:** In a [recent article](#) it was suggested there is a loophole in the clearinghouse which gives trademark owners unlimited records. There will be a session on this topic on 11<sup>th</sup> April at 9.00 ([schedule link](#)) specifically covered data verification, sunrise and claims.

**Registrar Accreditation Agreements** –After lengthy negotiations (spanning many months) on the RAA’s events have heated recently with ICANN stating they [won’t back down](#) on clauses that could affect unilateral rights by ICANN to amend Registry and Registrar agreements. This topic is expected in several forums in Beijing and a dedicated session on Monday 8<sup>th</sup> April 17.00 ([schedule link](#))

**EBERO** – The emergency back end providers (back ups in event of failure from a new TLD operator) have just been named; they are CNIC, Neustar and Nominet (representing geographic diversity).

**Pre-delegation testing** – the program is to ensure applicants have capacity to operate a new gTLD. There is a ‘process review’ session in Beijing scheduled for Wednesday 10<sup>th</sup> April 11.00 ([schedule link](#))

**Overall program status** – There will be a program status session to be held Monday 8<sup>th</sup> April 11.00 ([schedule link](#))

## **Whois – High level Changes**

After years of discussion around Whois and recently encouraged by work from the Whois Review Team, the ICANN Board approved a strategy to which will redefine the purpose and scope of collecting/maintaining and providing access to gTLD registrations data. Some of the key areas of work are as follows;

- Creation of information portal (a one stop shop for Whois inquiries, eg. Look ups for thin and thick registries, educational materials etc).
- Enhanced contractual frameworks – changes built into Registrar Accreditation Agreements to improve accuracy and privacy issues.
- Compliance efforts – reinforcing compliance team structure, systems and processes.
- [Expert Working group](#) created to work on a “next generation data directory services”. The work is expected to result in foundations for GNSO policy and contract changes.

In parallel to the Expert Working Group (EWG) , the ICANN Board initiated a GNSO PDP that is to take into account any proposals by the EWG. Public comments on a preliminary Issue report on gTLD registration data services can be [submitted](#) until the 19<sup>th</sup> April and final issue report is expected after expert group recommendations received – these will all feed into the Policy Development Process.

## **Suggested Session/s:**

Monday 8<sup>th</sup> April 11:00am - Expert Working Group update ([schedule link](#))

## Whois – Whois Studies

- Whois misuse study – final draft report expected April 2013
- Whois privacy and proxy services abuse study – results expected mid 2013.
- Whois registrant identification study – key findings: registrations are 39% legal persons, 33 % natural and 20% using privacy/proxy. Around 45% of all sampled domains were perceived to have potentially commercial activity depending on whether pay-per-click sites were included however knowing this does not provide insight as to registrant type.

**Further Reading:** Whois studies overview : <http://gnso.icann.org/issues/whois/studies>

## 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:** To gather data, a working group has conducted a survey for Registrars and UDRP providers as well as reaching out to other groups within ICANN to help inform the discussion – it was found that there is “no standard approach to the locking of domain subject to UDRP”. The group have produced an [initial report](#) for [public comment](#) containing 11 recommendations to clarify/standardise the procedures for locking). Public comment is open until 26 April 2013 after which a review will take place and eventually a final report.

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

Thursday 11<sup>th</sup> April - 9:00-10:30am ([schedule link](#))

## Protection of Red Cross, IOC/IGO Names

**Background:** GSNO initiated a PDP (Nov 2012) on whether to offer special protection to Red Cross/Red Crescent and IOC names in gTLDs (top and second level). In the interim, ICANN adopted measures to protect some names (eg Red Cross/Red Crescent and IOC) to which are now on a ‘reserved names’ list in the new gTLD Registry agreements.

**Update:** There is a working group discussing; entities to be considered, scope of existing protections as well as the types of protections possible (top and second level). Initial report to be published early April 2013.

**Suggested Session:** Monday 8<sup>th</sup> April 16.00-17.30 ([schedule link](#))

## Uniformity of Contracts to Address Registration Abuse

**Background:** The RAPWG in 2010 developed definitions of abuse and a series of specific abuse types. 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.

**Update:** A public comment period for the preliminary [Issue Report](#) closes 12 April 2013 after which a final issues report is expected late April 2013. The compliance team is completing its last year of a 3 year transformation plan much of which is consistent with original recommendations of the RAPWG.

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

Contractual Compliance Audit update - Wednesday 10<sup>th</sup> April 11am ([schedule link](#))

## IRTP Part D

**Background:** The Inter Registrar Transfer Policy (IRTP) is an existing policy currently under review. The current PDP (part D) deals with [charter](#) questions relating to; transfer dispute resolution policy, IRTP related penalties and usefulness of forms of authorisation for inter-registrar transfers.

**Update:** WG began work in February 2013 – plans for initial report to be published by ICANN 47 (Durban)

**Suggested session:** Wednesday 10<sup>th</sup> April 7.30-9.00am ([schedule link](#))

#### **Thick Whois PDP**

**Background:** Working group is looking at whether there should be a requirement for thick Whois for all existing and future gTLD Registries. Issues under consideration are privacy/data protection, accessibility, stability among others.

**Update:** The group is currently look at input received from GNSO stakeholder groups and will publish initial report by ICANN47 (Durban)

**Suggestion session:** Monday 8<sup>th</sup> April 7.30-9.00am ([schedule link](#))

# The GAC sessions

---

## Introduction

The GAC is heading for an exceptional long and intense sessions with meeting starting as early as Thursday 4<sup>th</sup> April, two full days earlier than usual. This extra time is needed to discuss the GAC advice on new gTLDs.

The GAC is meeting on **Thursday, Friday, Saturday, Sunday, Tuesday** and **Wednesday**. According to the schedule posted at the time of writing (02 Apr) sessions on the first two days are closed, as are some of the sessions on the other days.

The **Joint meeting of the GAC and the ICANN Board** is scheduled on Tuesday 9<sup>th</sup> April from 16.45 to 18.00 in the 'Grand Hall B'.

A detailed agenda for the Beijing session might become available on the GAC webpage:

<https://gacweb.icann.org/display/gacweb/Meeting+46%3A+Beijing%2C+People%27s+Republic+of+China+7-11+April+2013>

## Main topics and Background

### new gTLDs

#### *GAC Early warnings*

GAC Early warnings were issued on 20<sup>th</sup> November.

An Early Warning is a notice from GAC members that an application is seen as potentially sensitive or problematic by one or more governments. Early warnings are issued by individual GAC members for specific applications. 242 Early warnings involving 145 different strings were submitted. Australia alone is responsible for half of them (129 Early warnings) followed on great distance by Germany (20 Early warnings) and France (19 Early warnings). The United States (4 Early warnings) issued one early warning against all 31 strings by one Applicant (Radix Registry) because the application form wrongfully mentions the FBI under the section 'recommendations'. Iran submitted its warnings after the deadline. The list of Early warnings can be found at:

<https://gacweb.icann.org/display/gacweb/GAC+Early+Warnings> . After the Early warnings were issued applicants and GAC Members have been exchanging information with the aim of reaching an understanding or agreement on concerns raised, wherever possible.

The European Commission has not submitted an Early warning however it has published a letter and a list of strings on which it considers that further clarification by the applicant is needed.

The letter can be found at

<https://gacweb.icann.org/display/gacweb/Additional+Correspondence+Related+to+Early+Warnings>

#### *GAC Advice on new gTLDs*

The GAC first announced that during the week of 18 February 2013 it would publish a list of applications for consideration by the GAC in Beijing . On 25 February there was an update that this list was still being compiled. On 31 March the GAC communicated how it would organize its new gTLD session. The discussion will be split up into two parts one on categories of strings that 'worry' the GAC, followed by discussions on specific strings.

- advice to safeguard categories of strings that raise concerns

The GAC will first discuss certain categories of strings that raise concerns. Some of these categories were already pointed out in the Toronto Communiqué

- (1) Consumer protection
  - (2) Strings linked to regulated market sectors (such as the financial, health and charity)
  - (3) Competition issues
  - (4) Strings with broad/multiple uses/meanings where one entity is seeking exclusive use
  - (5) Religious terms where the applicant has no, or limited, support from the relevant religious organisations or the religious community
  - (6) Minimising the need for defensive registrations
  - (7) Protection of geographic names
  - (8) Intellectual property rights (strings for the distribution of music, video and other digital material)
  - (9) Support for applications submitted by global authorities
  - (10) Corporate Identifier gTLDs
  - (11) Strings that represent inherent government functions and/or activities
- GAC advice/objections on specific applications
- It concerns 27 strings that have been brought forward by GAC members. They can be divided in the following groups:
- (1) Community name where there is no support from the community or the government: 1
  - (2) Consumer protection: 2
  - (3) Name of an Intergovernmental Organisation (IGO): 1
  - (4) Protection of geographic names: 9
  - (5) Religious terms: 2
  - (6) Strings that represent inherent government functions and/or activities: 3
  - (7) Support for applications submitted by global authorities: 2

Unfortunately the deliberations will be held behind closed doors mainly on the two days prior to the ICANN week and it is not said if the outcome of the deliberations will be part of the Communiqué at the end of the ICANN week.

### **new GAC Secretariat**

The discussions on the form and structure of an independent (read not ICANN staff) secretariat for the GAC have been troubling the atmosphere within the GAC for some meetings. Some GAC members strongly disagreed on the structure and functions of such a secretariat. At the end 2012 an Request for Proposals for an organization to run an independent secretariat was published. The deadline for proposals was 16 January 2013 and it was said that the result would be announced at the Beijing meeting. Without a detailed agenda online it is unclear if/when such an announcement is planned.

### **Other topics**

- It will be the first time the GAC can comment on Fadi Chehadés plans for ICANN's globalization including the opening of regional hubs in Singapore and Istanbul and several satellite offices.
- RAA negotiations – the GAC has always been a strong supporter of the LEA agencies in their discussions with the registrars to implement their recommendations in the RAA.
- SSAC – at the time of writing there is (unfortunately) no meeting on the schedule with SSAC – the Security and Stability Advisory Committee. At previous meetings the GAC members were very interested to hear from SSAC what effects the introduction of new gTLDs would have on the security and stability of the DNS. One might expect that also GAC members have questions after reading VeriSign's 'new gTLD Security and Stability considerations'.  
(<http://www.verisigninc.com/assets/gtld-ssr-v2.1-final.pdf> )