



# Guide for ICANN Durban



**ccNSO, gNSO and GAC  
key issues**

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**14 – 18 July, 2013**

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# ccNSO Highlights

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## Financial contributions

Like in Beijing, one of the essential discussions in the ccNSO will be about finances. Since Beijing the finance working group has developed a distribution model that took into account the different factors. (How to spread 3.9 million USD fairly across the ccTLD community?) I strongly recommend participating and getting your opinion heard. The next stage in this process will be the finalization of the model and the approval by the council. While still voluntary, this model will have a significant impact on the recommended contributions.

Most ccTLDs that have an agreement with ICANN will be bound by the agreed model in the ccNSO as it is typically stated in the letters/contracts/agreements that any relevant circumstance will be taken into account when reviewing the amounts stated in the letter. Some of those letters/contract/agreements even explicitly state that “permanent solutions on ccTLD contributions to ICANN” will be acknowledged by the parties. This is that “permanent solution”.

Check your letters/contracts/agreements to find out how it will affect your ccTLD.

**When & where?** The meeting starts at 9.05 on Tuesday July 16th in Hall 1B.

## Strategic and operational planning

The ccNSO has been a very strong contributor to ICANN's strategic planning process over the years. While some comments have not been picked up by ICANN yet (e.g. need to have measurable goals), the impact of the work of this group has been significant. Join this session if you want to comment on a USD 14 million engagement budget or the USD 1.4 million IDN variants program. The latest comments can be found here:

<http://ccnso.icann.org/workinggroups/sop-comments-op-budget-fy14-26jun13-en.pdf>

**When & where?** The meeting starts at 11.50 on Tuesday July 16th in Hall 1B.

## Internet Governance – multistakeholder models in the ccTLD community

This session looks quite promising: 5 ccTLDs will show how the multistakeholder model works for them. A showcase of these models might prove to be crucial in the continuing internet government discussions.

**When & where?** The meeting starts at 16.00 on Tuesday July 16th in Hall 1B.

## Discussion with ccNSO appointed board members

For the last few meetings, these discussions with Chris Disspain and Mike Silber have been frank, open and constructive. This is a session that should definitely be on your list if you want to know where the board stands on key issues.

**When & where?** The meeting starts at 10.00 on Wednesday July 17th in Hall 1B

## ccTLD cocktail reception

The ccNSO is hosting a cocktail reception for all ccTLD employees. Busses leave at the meeting venue @18.00.

Date: Tuesday, 16 July 2013

Time: 18h30 to 22h00

Venue: Coastlands Hotel Umhlanga (325 Umhlanga Rocks Drive, Durban)

**The full agenda** for the ccNSO can be found here: <http://ccnso.icann.org/meetings/durban/agenda.htm>

# gNSO Highlights

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## Introduction

During ICANN Durban, the GNSO will hear status updates from the different working groups on a variety of policy issues. Current topics under discussion; Protection of IOC, Red Cross and IGO names, Locking of domains subject to UDRP, WHOIS studies, IRTP (Part D), new gTLDs and Policy and Implementation (which the council considers a crucial topic).

ICANN staff will be giving the usual status update of the new gTLD program update in Durban – it was announced recently that they have initiated the contracting phase of the program for strings that have passed initial evaluation and that were in the GAC communiqué or strings in contention. Some consider the new gTLD program to be on the ‘home stretch’ now and ICANN have projected that some new gTLDs could launch late this year although others believe early 2014 is more realistic.

## New gTLD program

**Program stats** - As at late June 2013, there were 81 withdrawn applications with the remaining 1849 mostly coming from North America (911). More program statistics will be included in the CENTR Report from the conference due toward the end of the week in Durban.

**Safeguards** - ICANN’s new gTLD Programming Committee (NGPC) is slowly going through the advice received from the GAC during the Beijing Meeting (Apr 2013) regarding new gTLD safeguards. Some of the ‘safeguard’ [resolutions](#) made to date are;

- WHOIS verification checks: ICANN (instead of Registries) aims to proactively identify inaccurate gTLD registration data and report statistics to registrars and the public.
- Abusive practices – ICANN will include provisions that require Registries to include in their Registrar agreements prohibitions on domain holders from a host of abusive practices (eg. distributing malware, operating abusive botnets, phishing, piracy, trademark infringements etc).
- Security threats – new gTLD Registry agreements will require Registries to conduct periodic technical analysis’ assessing whether domains are being used to perpetrate security threats

**Trademark Clearinghouse** – The clearinghouse became operational this year. In Durban, the service providers and ICANN staff will update on its status ([agenda link](#))

**New gTLD Financials** – A session will run on giving details on the financial aspects of the program (a public comment period has already taken place on the budget). An extended Q&A will take place ([agenda link](#))

## Recent Application updates

- The .amazon application is likely to be rejected due to the geographic nature.
- Google application for .app has potential be treated as a closed TLD (as opposed to a restricted).
- .africa application from DCA is flagged as ‘not approved’ due to GAC advice relating to government support.

## Other New gTLD Suggested sessions:

Monday 15 July 13.00 - New gTLD Program Status update ([agenda link](#))

Monday 15 July 16.30 – Contracting Process for new gTLD applicants ([agenda link](#))

## Registry and Registrar Agreements

- The 2013 Registrar Accreditation Agreement (RAA) has been approved by the ICANN Board. Some of the features included in the new RAA are: Registrar abuse point of contact, improved data verification and validation system as well as URS support. There will be a session allocated within the GNSO working session on this topic which will update on the closing of the public comments and looking ahead to Registrar adoption (**Session:** Sat 13 July 11.30am - [agenda link](#))  
**Update:** On the 6<sup>th</sup> July, the Article 29 working group wrote to ICANN stating that provisions in the agreement would be illegal in the EU – specifically to data retention aspects.
- The 2013 Registry [Agreement](#) (RyA) has been [approved](#) recently. Key points in the agreement relate to the trademark clearinghouse providing trademark holders a portal to claim infringe-

ments as well as rapid suspension and links to single point of contact at Registries to handle complaints.

### **Expert Working Group**

**Background:** This group was formed in late 2012 to help redefine the purposes and provisions of gTLD registration data. The groups work is expected to feed into a PDP to be commenced within the GNSO.

**Update:** The group has posted an initial report addressing the issues for next generation Registration Directory Service (RDS). Several of the questions which the group is seeking input from relate to; models of authoritative data repositories, gated access to data, users and purposes of the service and cost models. The report will be presented and the group are seeking community input in Durban.

**Suggestion session:**

Mon 15 July 14.45 – Replacing WHOIS, The next generation directory services ([agenda 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:** Working Group has published report for public comment recommending a requirement for provision of thick Whois for all gTLD Registries (both existing and future). The report also considered issues relating to data protection, privacy, data escrow etc as well as the fact that transition of existing gTLDs would affect more than 120 million domain registrations. Community input is sort in the public comment period as well as during the ICANN Durban meeting

**Suggested Session:**

Wed 17 July 14.45 - GNSO 'Thick' Whois PDP - Presentation of Initial Report ([agenda link](#))

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

**Background:** GNSO 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. A more extensive review of the UDRP is scheduled for a later date.

**Update:** Since ICANN in Beijing, the working group has been reviewing public comments. A final report draft will be ready just prior to Durban meeting for GNSO council consideration and approval. More details on the discussion and outcome will be reported in the upcoming CENTR ICANN47 report.

**Suggested session:**

Monday 15 July 10.30am- Within GNSO working session ([agenda link](#))

### **Protection of Red Cross, IOC/IGO Names**

**Background:** ICANN adopted measures to protect some names (eg Red Cross/Red Crescent and IOC) to which are now on a 'reserved names' list prohibiting their registration at the second level in new gTLDs.

**Update:** An initial report was published in June recommending policy options for special protections and top and 2<sup>nd</sup> level – the report is open for public comment until 17 July. The comments and discussion in Durban is expected to feed into the final report.

**Suggested session:**

Wednesday 17 July 11am - Policy Update IGO/INGO PDP ([agenda link](#))

### **GNSO policy and implementation**

During the previous ICANN meeting the GNSO realised the need to create a working group to address issues raised in the context of policy and implementation affecting the GNSO (eg when something should be considered policy or implementation). Submission to the GNSO council of a proposed charter is expected before Durban meeting.

**Suggested Session:**

Saturday 13 July 11am – Within GNSO working session – ([agenda link](#))

## **GNSO Motions to be discussed and/or voted on**

ICANN Bylaw recommendation – the GNSO would like to amend ICANN bylaws to include a formal consultation process in the event when the ICANN Board takes action which is not consistent with GNSO advice. Consultation should include reasons why they did not follow the advice in their final decisions.

# GAC Prep report

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## Overview GAC sessions during ICANN Durban

Sat 13 1030 1200 GAC Capacity Building <i>1400 1430 GAC opening – plenary [closed]</i> 1430 1600 Staff update on new gTLDs 1600 1700 GAC Plenary 1700 1800 Board/GAC Recommendation Implementation wg	Sun 14 <i>0900 1030 GAC prep session [closed]</i> <b>1030 1230 meeting with the Board</b> <b>new gTLD Program Committee</b> 1430 1600 GAC/GNSO meeting 1630 1800 GAC meeting with ART2	Tue 16 0900 1000 GAC meeting with SSAC 1030 1130 GAC plenary <i>1130 1230 GAC plenary [closed]</i> 1400 1530 GAC meeting with ccNSO <i>1600 1645 GAC prep session [closed]</i> <b>1645 1830 GAC meeting with ICANN Board</b>
Wed 17 0900 1000 GAC meeting with ALAC 1030 1215 GAC plenary <i>1400 1800 Communiqué drafting [closed]</i>	Thur 18 0900 1100 GAC Top Level Domain Market Briefing	

## Introduction

After the exhausting GAC session in Beijing the schedule for Durban looks ‘back to normal’ for the GAC. In a video interview published on the ICANN website, Chair Heather Dryden, also promised that the GAC meetings from now on would again be more open.

Nevertheless there are still some ‘heavy discussions’ on the agenda for Durban. The GAC will discuss ICANN’s answers on the Beijing Advice<sup>1</sup>. Further, in Beijing the GAC had asked ICANN to put 14 strings<sup>2</sup> on hold that needed further discussion in Durban. The discussion will probably be held behind closed doors, and its outcome to be read in the Communiqué. Another topic that will need some more discussion is the so-called ‘safeguard advice’. The GAC had defined six general safeguards<sup>3</sup> for all gTLDs to be included in the RAA and identified groups of strings (linked to consumer protection, regulated markets or sensitive strings) that might need some additional safeguards.

If interested in new gTLDs, follow the Staff update on Saturday and the meeting with the Board new cTLD Program Committee (NGPC)<sup>4</sup>.

Durban might also be the conclusion of the long lasting discussion on the GAC Secretariat and in Beijing it was decided to start negotiations with one of the two interested candidates.

## New gTLDs

The below section gives a brief overview of the main elements in the GAC’s Beijing Advice and the follow up and answers given by ICANN.

The Board’s NGPC addressed different parts of the advice separately and communicated each time a part of the advice was dealt with. It took the NGPC until early July and seven meetings to answer the whole

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<sup>1</sup> [https://gacweb.icann.org/download/attachments/28278854/Beijing Communiqué april2013\\_Final.pdf](https://gacweb.icann.org/download/attachments/28278854/Beijing%20Communique%20april2013_Final.pdf)

<sup>2</sup> .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date, .spa, .yun, .thai, .zulu, .wine, .vin

<sup>3</sup> Whois verification and checks; mitigation abusive activity, security checks, publication of whois and security statistics, mechanism for making and handling complains, immediate and real consequences in case of false whois data.

<sup>4</sup> The NGPC is a smaller configuration of the ICANN Board which takes the decisions regarding the new gTLD process. ICANN Board members that could have a conflict of interest in the new gTLD process are not member of the NGPC.

advice. Some GAC members will definitely refuse to officially consider the most recent decisions by the NGPC because it was posted to close to the Durban meeting. (on 2 July the NGPC dealt with the 'category 1 advice' – see below).

- Negative GAC advice against .africa<sup>5</sup> and .gcc<sup>6</sup>

ICANN accepts the advice and gives the applicant the possibility to withdraw the application.

- Religious terms

There was no GAC consensus against .islam and .halal, but the GAC acknowledged that they are sensitive strings for some GAC members

ICANN expects further dialogue with GAC on these strings.

- Process on hold for 14 strings

The GAC had advised ICANN to put the process on hold for .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date, .spa, .yun, .thai, .zulu, .wine, .vin and await further consideration by the GAC in Durban.

ICANN has allowed evaluation and dispute resolution on these string to go forward but will not enter into registry agreements for now.

- Generic terms with exclusive or restrictive access (closed generics)

The GAC Advised that generic terms (for example .baby or .blog) should only be closed domains if such is in the benefit of the public interest.

ICANN has put application process for closed generics on hold. It wants further discussion with the GAC to better understand the meaning of the advice and what the GAC wants to achieve.

- Singular vs plural

The GAC Advised that singular and plural versions of the same string are potentially confusingly similar and asked not to allow both versions together as a gTLD

ICANN does not follow the GAC Advice here and decided to allow single and plural versions of the same gTLD to co-exist. Roughly just under 100 applications are affected by this decision.

- Intergovernmental Organisations (IGO's)

ICANN granted the GAC's request to provide 'appropriate preventative initial protection' for IGO names and their acronyms (based on the "IGO List of 22 March 2013"<sup>7</sup>) until after the Durban meeting. However, if the GAC and ICANN do not reach agreement, the registry operators will only be required to protect IGO names (and not their acronyms) identified by the GAC.

- Strings that may require additional safeguards ('category 1 safeguard advice')

The GAC Identified specific groups of strings that may need additional safeguards to obtain consumer trust and mitigate the risk of consumer harm. These can be split up in three groups: (1) strings linked to regulated or professional sectors; (2) strings associated with market sectors (with clear/regulated entry requirements); (3) the strings .fail, .gripe, .sucks, .wtf.<sup>8</sup>

ICANN launched a public comment period<sup>9</sup> on this part of the GAC advice and will start up a dialogue with the GAC to clarify the scope of the requirements the GAC wants to put in place. Meanwhile ICANN will not move forward with the contracting process for strings that fall under the category 1 safeguard advice.

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<sup>5</sup> this only concerns the application first filled as .dot africa, not the application for .africa supported by the African Union Commission

<sup>6</sup> GCC is a know abbreviation for 'Gulf Cooperation Council'

<sup>7</sup> <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-item-1b-02jul13-en.pdf>

<sup>8</sup> The Beijing communiqué contains in its annex I a non-exhaustive list of +/- 190 strings such as .kids, .eco, .poker, .dentist, .city

<sup>9</sup> 23 April to 4 June 2013