ICANN Buenos Aires Recap: Critical Updates in Internet Governance and New gTLDs

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- Featured Speakers

**Elisa Cooper**  
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MarkMonitor

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Vice President, Domain Operations  
MarkMonitor
Presentation Overview

- ICANN 48 Buenos Aires Meeting Highlights
- Internet Governance, the Montevideo Statement and 1Net
- New gTLD Program Overview
- Trademark Clearinghouse Update
- Rights Protection Mechanisms Review
- Brand Registry Group Update
- Namespace Collisions
- Expert Working Group (Whois)
- ccTLD Security
- Participating at ICANN
ICANN 48 Buenos Aires Highlights

- ICANN 48, held November 16 – 22 in Buenos Aires
  - Attendance comparable to Durban

- ICANN CEO, Fadi Chehade, discussed:
  - Objectives of the past year
    - Affirmation of purpose – core activities of the organization
    - Operational excellence – capabilities and service
    - Contractual compliance – systems and people to deal with contracting
    - Internationalization – offices in Istanbul, Singapore and LA
  - ICANN’s new focus on Internet Governance
    - Pressure on ICANN from governments to increase its remit
    - Creation of 1Net as a method for ICANN’s participation in Internet Governance
Montevideo Statement, 1Net and Internet Governance
Montevideo Statement

It was announced on October 7th, that the leaders of Internet organizations officially agreed to the following:

- Importance of globally coherent Internet operations
  - Warned against Internet fragmentation at a national level
  - Strong concern over the undermining of the trust and confidence due to revelations of pervasive monitoring and surveillance

- Identified the need for ongoing effort to address Internet Governance challenges
  - Agreed to catalyze community-wide efforts towards the evolution of global multi-stakeholder Internet cooperation

- Accelerating the globalization of ICANN and IANA functions
  - All stakeholders, including all governments, to participate on an equal footing

- Transition to IPv6 to remain a top priority globally
1net

- An initiative in support of the Montevideo Statement

- Mailing list created at https://nro.net/mailman/listinfo/i-coordination

- Potentially designed to be mechanism for ICANN to participate in Internet Governance
ICANN’s Role in Internet Governance

Strategy Panel devised to

- Facilitate review of the assumptions, linkages and frameworks that underlie ICANN's responsibilities in the current Internet ecosystem;
- Seek insights on ways to maintain and enhance ICANN's stewardship in an evolving ecosystem;
- Cultivate thought leadership on ways in which ICANN can serve a complex set of Internet constituencies;
- Provide a set of guiding principles to ensure the successful evolution of ICANN's transnational multi-stakeholder model in cooperation with national and international bodies;
- Propose a roadmap for evolving and globalizing ICANN's role in the Internet governance ecosystem in consultation with global players;
- In coordination with the many other global players and ICANN stakeholders, propose a framework for implementation of ICANN's role, objectives and milestones in global Internet governance.
New gTLD Program Overview
New gTLD Program History

- 2007: GNSO policy: new gTLDs into DNS
- 2008: Board approves GNSO policy
- 2009: Applicant Guidebook (Version 1)
- 2010: AGB (Proposed Final)
- 2011: AGB (V4)
- 2012: AGB (V3)
- 2013: Board authorizes New gTLD Program
- 2013: Batch 1 Initial Evaluation Results
- 2013: Prioritization Draw
- 2013: 1,930 Apps
- 2013: Accept Applications
- 2014: Board approves RAA & RA
- 2014: FIRST NEW gTLD

Source: ICANN July 2013
New gTLD Applications by the Numbers

Total Applications: 1930
- Not Approved: 4
- Active Applications: 1798
  - Withdrawn: 128
- Invited to Contracting: 960
  - Not Eligible: 838
  - Contracting Responses Received: 275
    - Awaiting CIR Response: 685
      - Contracts Signed: 144
        - In Process: 131
        - Passed PDT: 47
          - Processing: 97
        - Delegated: 24

*Application may not be eligible for Contracting for more than one reason.*
Formal Objections Submitted

- **Community**
  The International Center of Expertise of the International Chamber of Commerce (ICC)
  - 104

- **String Confusion**
  The International Centre for Dispute Resolution (ICDR)
  - 67

- **Limited Public Interest**
  The International Center of Expertise of the International Chamber of Commerce (ICC)
  - 23

- **Legal Rights**
  World Intellectual Property Organization (WIPO)
  - 69

Source: ICANN July 2013
Objection Status

- **String Confusion**: 63 (4 in progress, 59 complete)
- **Legal Rights**: 69 (all complete)
- **Limited Public Interest**: 20 (3 in progress, 17 complete)
- **Community**: 68 (36 in progress, 32 complete)

Source: ICANN November 2013
Trademark Clearinghouse Update
Trademark Clearinghouse (TMCH) Overview

- Central repository of authenticated trademark information.
  - Primarily used to support pre-launch Trademark Claims and Sunrise Registrations and Dispute Resolution Policies

- The standards for inclusion are as follows:
  - Nationally or regionally registered marks from all jurisdictions
  - Any mark that has been validated through a court of law or other judicial proceeding
  - Any mark protected by a statute or treaty in effect at the time the mark is submitted
  - Other marks that constitute intellectual property
Trademark Clearinghouse Purpose

- Enables Trademark Owners To
  - 1) Register their trademarks as domain names during so-called Sunrise Periods or meet eligibility to purchase ‘Blocking’ where offered
  - 2) Receive notification (Claims Service) when exact-match domain name registrations are made for first 90 days of general availability

- Does NOT
  - Prevent registrations or block others from registering trademarks as domain names
Now is the Time to Submit

- Must submit
  - Any trademark where at least one sunrise registration may be desired
  - Any trademark where you may wish to purchase a registration block
    - Donuts has announced, expect to operate 200 TLDs

- Others to consider
  - Trademarks where notification of registration (during the first 90 days) as a domain is desired
Rights Protection Mechanisms Review
## Rights Protection Mechanisms

<table>
<thead>
<tr>
<th>Mechanism</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>URS</strong></td>
<td>(Uniform Rapid Suspension)</td>
</tr>
<tr>
<td><strong>UDRP</strong></td>
<td>(Uniform Dispute Resolution Policy)</td>
</tr>
<tr>
<td><strong>PDDRP</strong></td>
<td>(Post-Delegation Dispute Resolution Policy)</td>
</tr>
<tr>
<td><strong>RRDRP</strong></td>
<td>(Registry Restriction Dispute Resolution Policy)</td>
</tr>
<tr>
<td><strong>PICDRP</strong></td>
<td>(Public Interest Commitment Dispute Resolution Policy)</td>
</tr>
</tbody>
</table>
Brand Registry Group Update
Proposed Contract Changes for .Brand Registries

Specification 13 makes three specific changes to the terms of the Registry Agreement to reflect the unique needs of .brand registries

- (i) clause 2.9 would be changed to allow use of a single trusted registrar(s),

- (ii) clause 4.5 would be changed to provide an option to object to the re-delegation of a .Brand TLD during a 2 year “cooling off” period,

- (iii) Specification 9 would be changed to create a presumption that a .Brand is acting in the public interest, and should therefore be exempt from the Code of Conduct.
Namespace Collisions
Growing Security Concerns
Namespace Collisions

- Today, internal network resources are often named
  - printer.corp
  - Network.home
  - …

- Previously, if such resources were queried externally, “name does not exist” messages would be returned

- In new landscape, such resources could point to live domain name registrations in the DNS
## Most Queried Proposed TLDs

<table>
<thead>
<tr>
<th>2013 Rank</th>
<th>2012 Rank</th>
<th>String</th>
<th>Count (thousands)</th>
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<tbody>
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<tr>
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<td>2</td>
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<td>21</td>
<td>ice</td>
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<td>inc</td>
<td>5,208</td>
</tr>
</tbody>
</table>

Source: ICANN July 2013
Name Collision Path Forward

- Communications plan is underway

- SLD block list publication:
  - All registries at this time required to block registrations

- Creation of the Name Collision Occurrence Management Framework
  - Currently under development

- Applying the Framework to create per TLD Collision Occurrence Assessments
Expert Working Group on gTLD Directory Services
Expert Working Group on gTLD Directory Services

- ICANN Board directive to redefine purpose and provision of gTLD registration data

- Formed to assess data directory needs and recommend a revolutionary approach
  - Comprehensive issue review
  - Examine stakeholder needs
  - Develop recommendations and a draft blueprint for a gTLD directory system

- Needs assessment to determine
  - Data requirements
  - Privacy requirements
  - Access and accountability requirements
  - Accuracy requirements
  - Storage and performance requirements
  - Usage requirements
EWG Draft Report Recommendations
Aggregated Registration Directory Services Model

Source: ICANN July 2013
ccTLD Security
ccTLD Security Concerns

- While ICANN does not have authority over ccTLDs, the ccNSO does provide country-code TLDs a forum for coordination and best practices

- Panel discussion covering ccTLD registry vulnerabilities
  - 23 ccTLDs hacked YTD

- Panel participants which included MarkMonitor discussed:
  - Registry vulnerabilities exposed by hackers
  - Best practice for dealing with breaches
  - Importance of registry locking for core domains
Key Take-Aways from ICANN Buenos Aires

- ICANN likely to face challenges as focus shifts to Internet Governance issues
- New gTLDs are launching now and companies need to be prepared to make difficult decisions
How to Become Involved

- Participate in Public Comment Forums

- Join an existing Stakeholder Group or Constituency
  - Business Constituency
  - Intellectual Property Constituency
  - Registry Stakeholder Group

- Keep informed
  - INTA and other constituency groups
  - MarkMonitor newsletters

- Spread the word
  - Non-US companies/trade associations
  - Major non-profits with trademark/anti-fraud interests
Q&A

- Featured Speakers

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Thank You!

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