

ICANN 64 Recap: Important Work Continues



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WEBINAR AGENDA

- KOBE: ICANN 64 Meeting At-A-Glance
- Registration Data (WHOIS) Policies
 - Completion and Outcome of EPDP: Phase 1
 - Phase 2: Standardized Accreditation and Access
 - Making data requests under the new policy
 - Technical Study Group (TSG) and RDAP
- Policy Working Group Updates
 - Rights Protection Mechanism Review
 - Subsequent Procedures Working Groups
- .Brand and Future Application Rounds
- Notable Announcements and Activities
- Getting Involved
- Q & A

MarkMonitor's Presence at ICANN Meetings

MarkMonitor attends and actively participates in each ICANN meeting in order to provide added value to our clients and partners in following ways:

- **ADVOCATE** - on behalf of our clients' intellectual property rights as well as to encourage policies that enhance consumer trust and safety on the Internet
- **PARTICIPATE** - in ICANN's policy development process working groups and constituency meetings
- **DEVELOP RELATIONSHIPS** - with ICANN senior officials, strategic partners (e.g. ccTLD and gTLD registries), supporting organization and advisory committee leadership, governments, and law enforcement that can be leveraged for the benefit of our clients





KOBE, JAPAN

ICANN “Community Forum”:

- Six-day meeting format
- Full meeting schedule including general information sessions, policy meetings, constituency and stakeholder group meetings, some community outreach, inter-community working groups, and a split public forum
- Approximately 1700 people in attendance

Sessions with highest attendance, participation and interest:

- GDPR: EPDP on the Temporary Specification for Registration Data
- Subsequent Procedures Working Group Updates
- GAC Sessions related to GDPR and Geographic Names

GDPR and WHOIS Data – Our Current State of Affairs

- GDPR became **effective** on May 25, 2018.
- Contemporaneously, ICANN issued a “**Temporary Specification for gTLD Registrant Data**”; for its accredited registrars and registries
- As a result, **registrant data** including name, email address, postal address and phone number were redacted and **no longer publicly available** in WHOIS.
- Access to registrant data became **a fragmented system** of different forms, processes and outputs depending upon the registrar or registry
- In late summer 2018, ICANN initiated an **Expedited Policy Development Process (EPDP)** to develop a permanent policy to replace the Temporary Specification and create new rules for the collection, storage, display, transfer, and disclosure of registrant data.

ICANN'S Expedited Policy Development Process (EPDP)

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EPDP Overview and Current Status

Overview

- ICANN's policy-making body is the GNSO, consisting of RrSG, RySG, CSG, and NCSG
- GNSO needed a consensus policy to replace the Temporary Specification before it expires
- Normal Policy Development Processes (PDPs) take years. ICANN governance model allows for EPDPs in special cases

Status Updates

- EPDP separated its work into two phases: **Phase 1** would be the policy for processing registrant data and data requests by registrars, registries and ICANN. **Phase 2** would be the policy for a standard system to access registrant data by interested third parties.
- EPDP completed Phase 1 in March and GNSO voted to accept EPDP's recommendations
- ICANN Board is expected to approve the GNSO's acceptance and trigger implementation
- Phase 2 is beginning but time to completion is uncertain
- RrSG has issued a minimum requirements document for parties wishing to get access to redacted WHOIS information

Public WHOIS

WHOIS Policy	Temporary Specification	Registration Data Policy
May 24, 2018 and Prior	May 25, 2018	March 1, 2020 ⁸
Reg Name	Reg Name	Reg Name
Reg Org	Reg Org	Reg Org
Reg Street Address	Reg Street Address	Reg Street Address
Reg City	Reg City	Reg City
Reg State/Province	Reg State/Province	Reg State/Province
Reg Postal Code	Reg Postal Code	Reg Postal Code
Reg Country	Reg Country	Reg Country
Reg Phone	Reg Phone	Reg Phone
Reg Fax	Reg Fax	Reg Fax
Reg Email	Reg Email	Reg Email
Admin Name	Admin Name	Admin Name
Admin Org	Admin Org	Admin Org
Admin Street Address	Admin Street Address	Admin Street Address
Admin City	Admin City	Admin City
Admin State/Province	Admin State/Province	Admin State/Province
Admin Postal Code	Admin Postal Code	Admin Postal Code
Admin Country	Admin Country	Admin Country
Admin Phone	Admin Phone	Admin Phone
Admin Fax	Admin Fax	Admin Fax
Admin Email	Admin Email	Admin Email
Tech Name	Tech Name	Tech Name
Tech Org	Tech Org	Tech Org
Tech Street Address	Tech Street Address	Tech Street Address
Tech City	Tech City	Tech City
Tech State/Province	Tech State/Province	Tech State/Province
Tech Postal Code	Tech Postal Code	Tech Postal Code
Tech Country	Tech Country	Tech Country
Tech Phone	Tech Phone	Tech Phone
Tech Fax	Tech Fax	Tech Fax
Tech Email	Tech Email	Tech Email
Nameservers	Nameservers	Nameservers

Legend
Published
Redacted by Default, Published at Registrant Option
Registrar Option
Redacted, No Option to Publish
Registry Option; Registrar-Controlled Reconfirmation Required
Deleted

Publication, Disclosure, and Standardized Access to Registrant Data

EPDP Phase 1 Recommendations

Registrant Data published

- Registrant organization
- Registrant state/province & country
- anonymized registrant email or web form
- nameserver(s)
- information about Registrar
- creation / expiration date

add'l Registrant Data disclosed

(standard form, response time, reason for denial)

- Registrant name
- Registrant full address
- Registrant email address
- - Tech contact -----
- - Admin contact -----

Must Publish via Web & RDAP

May Disclose on request, - if - GDPR 6(1)(f) balance is met

Registrant

Registrar

Thick Registry

Thin Registry

EPDP Phase 2 - Standardized Access Model

(with ICANN as a Controller)

2 RDAP query

ICANN RDAP Hub
with credentials
validation & logging

1 RDAP query

3 Must disclose to ICANN

Registrant Data disclosed per RDAP query from ICANN
(based on type of requester and reason)

4 RDAP response

Entities accredited by organizations whose Codes of Conduct are approved by DPA

for example:

Law Enforcement
Consumer Protection
Cybersecurity
IP Protection
Child Welfare

Use & disposal of data is governed by Code of Conduct

EPDP Phase 2 – Standard Process for Accreditation and Access to Registrant Data

- EPDP members believe that **ICANN must become a controller** of the registration data for the purpose of disclosing this data to third parties seeking access for legitimate purposes
- However, ICANN is signaling a **reluctance to accept the role** of controller for the data
- The EPDP will develop the requirements and the process for **accrediting third parties** seeking access to registrant data
- **Codes of Conduct** should be drafted by all accrediting bodies – LEA, IP rights advocates, cybersecurity researchers
- EPDP wishes to set a goal of **completion of Phase 2 by February 2020**
- Final process will be submitted to **Data Protection Authorities** of the EU Data Protection Board

RDAP and TSG

- **Mandatory implementation of RDAP** by registrars will underpin the systematic access to, and disclosure of, registrant data
- For the first time ever, registrant data fields will be uniformly structured and consistent across all registrars
- **Technical Study Group (TSG)** was created to work on the liability of registrars, and develop a solution for the authentication of parties to access data. TSG created a proof of concept for the accreditation and access model.



Working Group Updates:

Policymaking Progress at ICANN

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Review of Rights Protection Mechanisms (RPMs)

Overview

- Working Group Phase 1 is evaluating existing RPMs, including TMCH, Sunrise phase, and URS

Status Updates

- Preliminary evaluation of Sunrise Claims (including TMCH), the PDDRP, and the URS are complete
- Input gathered from trademark holders is being analyzed and will factor into final recommendations
- Current work broken out into Sunrise Sub Team and Trademark Claims Sub Team, each analyzing the effectiveness of its respective aspect of the new gTLD program

Next Steps

- Initial Report target date is end of June 2019
- Working Group members will provide feedback via public comment
- Phase 2 of the work will be a **review of the UDRP**

Subsequent Procedures Working Group: “Round 2” of the New gTLD Program

Overview

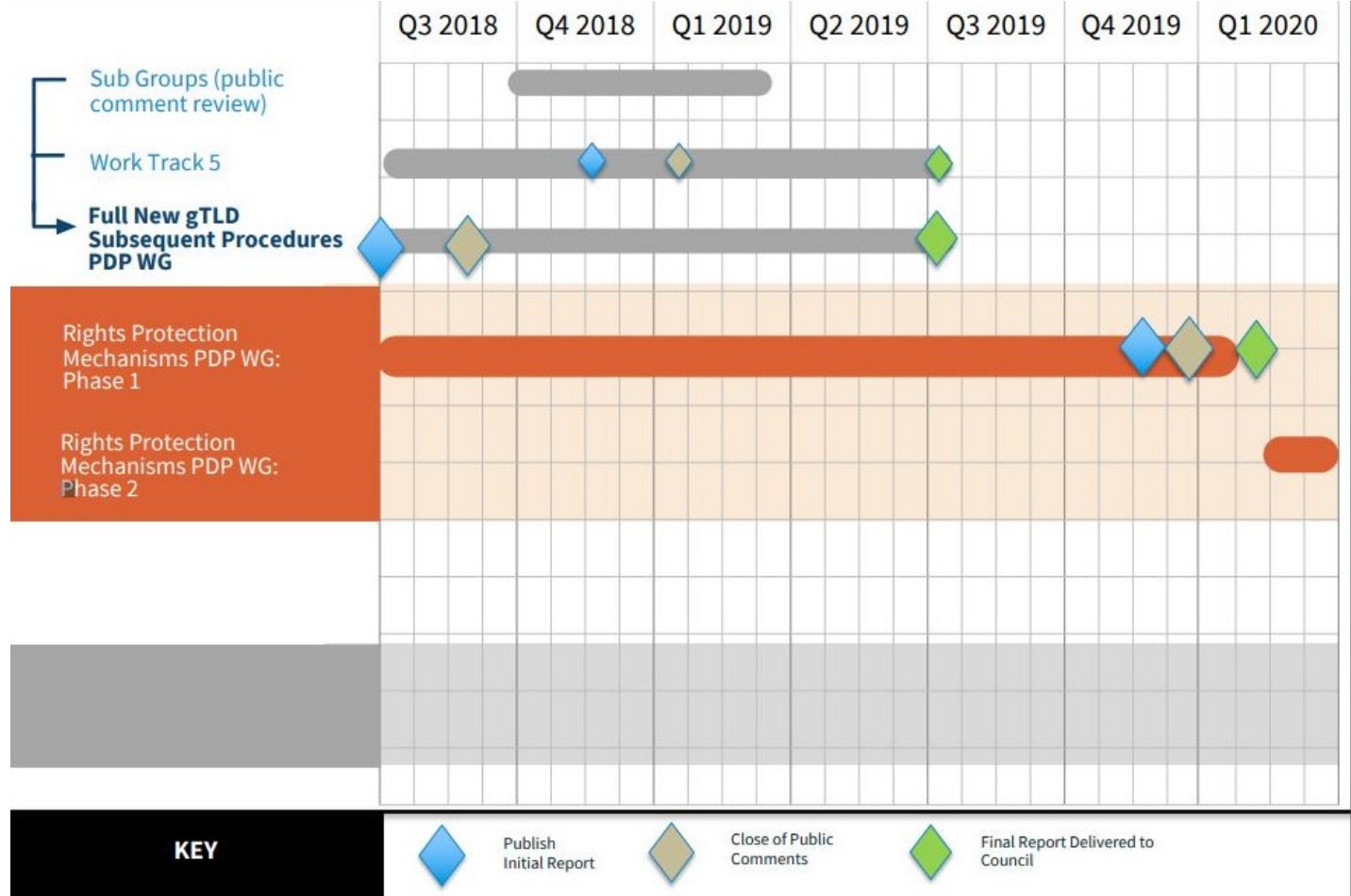
- “Determine what, if any, changes may need to be made to the *Introduction of New Generic Top-Level Domains* policy recommendations from 8 August 2007.”
- 40+ distinct topics broken into five Work Tracks; #1-4 below, and #5 following

Status Updates

- Work Track 1: Guidebook, fees, application process, ICANN systems
- Work Track 2: Legal/regulatory, base agreement, contractual compliance, closed generics
- Work Track 3: Objections, disputes, and contentions, ICANN accountability
- Work Track 4: IDNs, technical and operational considerations, name collision, security & stability
- WG discussed remaining dependencies, and if/how to advance now while pending
- WG discussed what ICANN Org can do to prepare in the absence of final policy
- Sub Groups A,B,C formed to review Initial Report comments, extrapolate trends, and provide advice to full WG based on Initial Report and comments provided

Subsequent Procedures Working Group

Revised Timeline (March 2019)



KEY

- Publish Initial Report
- Close of Public Comments
- Final Report Delivered to Council

“Work Track 5”: Geographic Names At the Top Level

Overview

Work Track 5 seeks to review the existing policy and implementation related to the topic of geographic names at the top level, determine if changes are needed, and recommend revised or new policy guidance, as appropriate. Availability of geographic names at the top level means, for example, “lobster.**boston**” “wine.**italy**”.

Status

- Work Track 5 published its Supplemental Initial Report for public comment on 5 December 2018, with the (extended) period closing on 1 February 2019.
- Work Track 5 is reviewing each comment, seeking to ensure that it understands the comments given.

Next Steps

- Complete public comment review and recommendations
- Publish Final Report, target date Q3 2019

.Brand Update from Kobe

Overview

- MarkMonitor is a member of the [Brand Registry Group](#) and contributes to ongoing planning, thought leadership, and strategy related to the .brand ecosystem
- BRG sponsored a session in Kobe to share .brand use cases and policy perspectives with current and prospective .brand owners

Status Updates

- Key lessons learned over 5 years of .brands
- HSTS preloading: ensuring security across your entire TLD
- Launch strategy and deployment
- Discussion of phasing to enable opening the next round more quickly for .brand applicants



Other Major Topics of Interest

Notable Announcements and Activities

- ICANN Board gives Amazon 30 days to come to an agreement with GAC representatives from South American on the application for .AMAZON. If no agreement, ICANN will consider Amazon's current proposal to operate the TLD.
- While the next round of new gTLD applications remains years away, many in the community push ICANN to consider a the next round in phases, beginning with .brands, then .geos, and finally new generic TLDs.
- ICANN has stopped Privacy-Proxy Services Accreditation Implementation (PPSAI) pending the outcome of the EPDP.
- Thick WHOIS implementation may be superseded by the EPDP.

How Clients Can Get Involved

ICANN Business Constituency

<http://www.bizconst.org>

Intellectual Property Constituency

<http://www.ipconstituency.org/>

Brand Registry Group

<http://brandregistrygroup.org/>

Domain Name Association

<https://www.thedna.community/>

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ICANN 65 – Policy Forum
Marrakech, Morocco
June 24-27, 2019



Questions?

Thank You!

For information on MarkMonitor solutions, services and complimentary educational events:

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