

GNSO: New gTLD Program Discussion

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Acknowledgement of volunteers

Trademark Protection	IRT & STI
Vertical Integration	VI-WG
Centralized zone file access	ZFA
High-security registry designation	HSTLD
Draft gTLD registry agreement	TDG
IDN 3-character / variant management	IDN-WT

Agenda

I. Updates to draft version 4, Applicant Guidebook

- Modules 1 – 5

II. Supporting activities

- New gTLD budget
- Applicant Support Group

III. Resolution of issues

- Economic Study
- Root-zone scaling

Draft Applicant Guidebook v4

Module 1 - Introduction to the Evaluation Process

Includes:

- Process stages and timelines
- Eligibility
- IDN requirements
- Application submission system
- Fees

Updates:

- Vertical integration
- Variant management
- Process development

Vertical Integration

- Implementation of Nairobi Board resolution:
 - Co-ownership essentially prohibited
 - Included as default position in v4
 - Affects eligibility to apply and acquisitions by registry operators after delegation
- Policy development work by GNSO is concurrent
 - Completed, approved policy recommendations will supersede default position

IDN: Variant Management

Position based on IDN Implementation WT recommendations:

- IDN tables submitted with application
- Applicants may declare variant TLD strings based on tables
- Variant TLD strings not delegated
 - Requires variant mechanism for top level
 - Board resolution for study of DNAME

Evaluation Process Development

- Inclusion of specific notice & posting periods
- Clarification of public comment process
- Elaboration on how code of conduct violations are addressed
- Detail on user registration, application system access, applicant background check

Module 2: Evaluation Procedures

Includes:

- Background check
- Initial and Extended Evaluation reviews
(String Similarity, DNS Stability, Geographic Names, Technical/Operational Capability, Financial Capability, Registry Services)
- Panel information

Updates:

- Background check
- IDN 3-character requirement
- Geographic names

Background Check

Enhanced background check performed

- Recommendation from malicious conduct considerations
- Covers the applying entity and individuals named in application
 - partners, officers, directors, managers, 15% or more owners
- Performed by third party based on publicly available sources
- ICANN may deny an application, or seek further information, based on information obtained in background check

IDN 3-Character Requirement

IDN Implementation Working Team recommendation fully implemented:

- 2-character minimum for IDN gTLD strings, subject to confusability tests
- 1-character strings not banned: to be considered in policy context (GNSO/ccNSO)

Geographic Names

Country/Territory Names

- Applications for country/territory names not considered in first round
- Will be impacted by ccNSO PDP outcome

Other Updates

- Clarification to requirements for city names
- Included sample letter of government support

Module 3: Dispute Resolution Procedures

Includes:

- Objection grounds and standing requirements
- Objection processing
- Dispute resolution principles (standards)

Updates:

- Quick look test for morality and public order

Dispute Resolution: Morality & Public Order

- One of four possible objection grounds
- Broad standing requirement
- Quick Look process provides for early conclusion of objections that are manifestly unfounded and/or an abuse of the right to object

Module 4: String Contention Procedures

Includes:

- Identification of contention sets
- Community priority evaluation
- Auctions

Updates:

- Reorganization and clarifications to community priority criteria

Module 5: Transition to Delegation

Includes:

- Registry agreement
- Pre-delegation procedures
- What is expected of a registry operator

Updates:

- Updates to pre-delegation testing
- Zone file access requirements
- Trademark clearinghouse, URS, PDDRP
- Registry agreement
 - Change of control
 - IGO provisions
 - Process for future amendments

Zone File Access (ZFA) Requirements

- Standardized model
 - Scalable with a large number of gTLDs
 - Single point of contact for consumers
 - Reduced administrative overhead to providers
- Registry requirements: standardization of access methods and data formats
- Preserves the ability of registries (and others) to innovate in delivery & production of zone files

Rights Protection: Trademark Clearinghouse

Purpose: a database for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders – to support Sunrise and Trademark Claims process

Criteria for inclusion:

- a) Nationally or multi-nationally registered “text mark” trademarks from all jurisdictions
- b) Any text mark that has been validated through a court of law or other judicial proceeding
- c) Any text mark protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008

Clearinghouse Use: Pre-Launch

All new gTLD registries must offer either:

- a) A Sunrise period protecting trademarks that are:
 - (i) registered in a jurisdiction that conducts a substantive examination;
 - (ii) court or Trademark Clearinghouse validated; or
 - (iii) protected by a pre-existing statute or treaty

- b) A Trademark Claims service protecting trademarks that are:
 - (i) nationally or multi-nationally registered in any jurisdiction;
 - (ii) court-validated; or
 - (iii) protected by a pre-existing statute or treaty

Rights Protection: Uniform Rapid Suspension

Purpose: Additional avenue for rightsholders to pursue infringing domain names in clear-cut cases of infringement

- Results in suspension of a domain name
- Faster, less expensive than UDRP
- URS is an additional remedy
 - UDRP continues to be available
 - Other legal remedies available to both parties

Trademark Post-Delegation Dispute Resolution (PDDRP)

Addresses systematic trademark infringement or use of TLD for an improper purpose

- requires affirmative conduct by registry operator
- added threshold review for all cases
- contractual compliance, URS and UDRP are also available for individual cases

Registry Agreement

New "hybrid" process for future amendments

- allows future amendments to registry agreements when supported by both ICANN and affected registries

Change of control

- requires ICANN consent to any transaction in which a third party that was not vetted as a result of the application process would gain control of the registry

IGO provisions

- new agreement provisions for governmental and inter-governmental organization applicants

Supporting Activities

New gTLD Program Budget

Estimated costs according to:

1) Development:

-- resolving open concerns, completing Applicant Guidebook, preliminary system/process design

2) Deployment

-- system/process completion, on-boarding

3) Application processing

-- accepting/processing applications

Joint SO/AC Working Group on New gTLD Applicant Support

Charter is to:

- identify suitable criteria for applicants to qualify for dedicated support.
- identify how fees can be reduced and/or subsidized to accommodate qualified applicants (in keeping with cost recovery principle).
- identify appropriate kinds of support (e.g. technical assistance, organizational assistance, financial assistance, fee reduction) and timelines.
- identify potential providers and appropriate mechanisms to enable support provisioning.

Resolution of Issues

Economic studies

Phase I report published for comment

- Survey of existing studies
- Discussion of costs and benefits of new gTLDs
- Potential projects for further study

Phase II potential case studies:

Review effectiveness of rules imposed to try to reduce external costs such as those to trademark owners:

- Business models designed to compete with .com
- Business models designed to broaden market, serve underserved communities

Root Zone Scaling

- Study completed September 2009
- Delegation rate study completed
- RSSAC / SSAC responses in process

Thank you



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Questions

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