New gTLD Program

Governmental Advisory Committee

4 Dec 2010
Applicant Guidebook Updates
Module 1 – What Changed

- Delegation rate / batching
- Background screening criteria
- Cross-ownership
- Applicant support
- IDN variants
Module 2 – What Changed

String requirements

Continent/region names
Module 3 – What Changed

Legal rights objection
  • IGOs

Community objection
  • Complete defense eliminated

[Limited Public Interest objection]
  • Government notifications
  • Additional treaties
  • References to “principles of international law”
Module 4 – What Changed

No significant changes
Module 5 – What Changed

Detail on Board role

Trademark Clearinghouse
• Substantive review

URS
• 14-day response time

Registry Agreement
• Code of Conduct
Overarching Issues
Overall Approach

• Seek consultation from those who commented on these issues
• Seek expert assistance to address issues
  – Partner with ICANN community experts
  – Commission other third party experts
• Publish relevant studies and reports
• Share and actively discuss resolution and proposed implementation approaches
Root Impact - Solution Crafting

• Critical Collaborators
  • RSSAC; SSAC; RSST

• Key Documents Published
  • “L” Root Server Scaling Report
  • Delegation Rate Scenarios
  • Summary Impact of Root Zone Scaling
Root Impact – Status

• Studies did not identify significant issues with rate-limited addition of New gTLDs

• Positive continuing implementation of IDNs (fast-track), IPv6, DNSSEC

• Annual delegation rate will not exceed 1,000 per year, no matter how many applications are received

• On-going monitoring of system behavior
Market Impact - Solution Crafting

- Critical collaborators:
  - Compass Lexecon
  - Dennis Carlton, Greg Rosston, Michael Katz
  - Josh Wright, Steve Salop
  - CRAI

- Key documents:
  - Report of Dennis Carlton (competition and pricing)
  - Economic Framework for the analysis of the expansion of gTLDs
  - Economic Considerations in the Expansion of Generic Top-Level Domain Names (Phase II Report: Case Studies)
Market Impact - Status

• Latest study published Dec 2010
• Uses past as prologue and finds:
  Benefits:
  – Limited potential competition for .COM
  – Value in differentiation, innovation; but not predictable
  – Value in IDN, community based TLDs
  Costs:
  – Trademark protection cost
  – Past RPMs varied and of limited effectiveness
  – Need to improve on past rights protection mechanisms
Trademark Protection: Solution Crafting

• Critical Collaborators
  • IRT (Implementation Recommendations Team)
  • STI (Special Trademark Issues group)
  • TDG (Temporary Drafting Group)

• Key Documents
  • GNSO’s STI Recommendations
  • IRT Final Report
Rights Protection - Status

**REGISTRY LIFECYCLE**

- Pre-Launch
- Launch
- Ongoing Operations

**TM CLEARINGHOUSE**
- TM Claims
- Sunrise

**URS**
- Post-Delegation Process
- Thick WHOIS
- UDRP
Malicious Conduct - Solution Crafting

- Critical Collaborators:
  - High Security TLD Advisory Group
  - ZFA Advisory Group
  - RISG

- Key Documents:
  - Zone File Access Concept Paper
  - HSTLD RFI
Malicious Conduct – Status

- Enhanced requirements and background checks
- Requirement for DNSSEC deployment
- No wildcarding/remove glue records
- Requirement for thick WHOIS
- Anti-abuse contact and documented policy
- Expedited Registry Security Request process
- Elective TLD security verification program
- High Security TLD (HSTLD)
- Zone File Access (ZFA)
Overarching Issues - Path Forward

• Implement current proposed solutions
• Monitor effectiveness and impact over time
• Share findings with Community
• Adjust/Improve for future rounds, as applicable
GAC topics
Post-delegation disputes with governments

• Requirement for registry operators to conduct business under the legal framework of country providing support
  
  – The government providing support can impose that requirement on the applicant as a condition of support
  
  – Any agreement between government and registry is not enforceable by ICANN, but ICANN could comply with a legally binding decision from a court of competent jurisdiction.
Vertical integration

• Must result in a solution that fosters competition and innovation in the DNS market
  – Code of Conduct addresses misuse of data or other abuses
  – Subject to auditing requirements
  – Compliance: graduated sanctions available, including termination and punitive damages
  – Right to refer competition issues to appropriate governmental authorities
Objection procedure

• Ensure governments can use community objection procedure
  – Procedure envisioned objections to place names by governments

• Fees for objection and dispute resolution
  – Objection is run on cost-recovery, loser-pays basis
  – Board confirmed in Trondheim Governments should be required to cover costs
Geographic names

• Definition of country and territory names
• Exclusion of country and territory names should be prolonged until the completion of the IDN ccPDP
  – Exclusion will be reviewed
• Potential loophole in protection of city names
  – Difficult to protect city names because of volume and duplication with generic and brand names
  – Government support required where city connection is clearly articulated
  – Objection process as an additional option
Needs of developing countries

• Barriers to entry for developing countries affect cultural and linguistic diversity
  – New gTLD process is developed on a cost-recovery model
  – Experience gained from first round will inform decisions on fee levels, and the scope for discounts and subsidies in subsequent rounds
  – Non-financial means of support are being made available
Blocking strings and universal resolvability

• Will governments and others block TLDs?
  – Occurs now
  – Process designed to discourage applications for strings that will be likely to trigger objections
  – Applicants encouraged to identify possible sensitivities or national law issues and address up front
  – Limited blocking is not a stability issue
Thank You
Questions