ICANN | 54

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Agenda

⊙ ICANN's role

⊙ Overview of voluntary practices and their role in addressing illegal activity and abuse in various industries

⊙ Panel discussion with parties that have helped to implement voluntary practices

⊙ General discussion

⊙ Next steps

ICANN's Role

ICANN's Role

ICANN Cannot Be the Solution

Not a global regulator of Internet content

Mission statement sets forth a limited, largely technical remit

Not vested with the authority to:

- Act as judge and jury

- Make factual and legal determinations

- Impose remedies for violations of law in every country

Building solutions to police illegal activity and abuse is outside ICANN's remit and mission

ICANN Can Be Part of the Solution

Although ICANN cannot be the solution, we can contribute to the solution:

- Encourage, cooperate and engage with community members working with other institutions to solve difficult issues

- Participate in efforts by other insitutions to help solve difficult problems

- Stay within ICANN's limited mission and remit

Overview of Voluntary Practices

Voluntary Practices Can Take Different Forms

Voluntary Agreements or Commitments

Private negotiations may lead to:

- Binding commitments or understandings to take certain actions

- Agreements or commitments may be:

  - Public

  - Private and confidential

Voluntary Reliance on Trusted Sources of Data

Parties may choose to:

- Rely on data provided by trusted sources

- Take action in reliance on such data

No binding commitment or agreement to take action

What do voluntary solutions have in common?

◉ Negotiations may be convened or facilitated by:

- • A trusted third party

- • Impacted parties themselves

◉ Negotiations typically involve discussions between:

- • Parties in search of a solution

- • Parties for which voluntary self-regulation might contribute to a solution

◉ Goal is market-driven voluntary self-regulation

◉ Negotiations often take years

◉ Solutions may rely on a trusted third party for data and/or implementation

Why are voluntary practices adopted?

- ⊙ Potential liability

- ⊙ Reputation

- ⊙ Doing the right thing

Panel discussion

Center for Safe Internet Pharmacies (CSIP)

Marjorie Clifton, Executive Director

Nonprofit comprised of companies in the Internet ecosystem, including advertising service providers, payment processors, registries and registrars, and shippers

Focuses:

- Consumer education initiatives
- Collaboration with law enforcement (i.e. Operation Pangea)
- Shared best practices and coalition development to navigate topics around illegitimate online pharmacies

Objectives:

- Help to educate consumers on how to buy medications safely online
- Members are working to eradicate illegal online pharmacies and promote a global model of collaboration

LegitScript & Alliance for Safe Online Pharmacies

John Horton, CEO of LegitScript

LegitScript:

- ⊙ Offices in Portland, Oregon and Dublin, Ireland

- ⊙ 65 staff speak over 15 languages and come from 15 countries

- ⊙ Expertise in cybercrime analysis and healthcare laws and regulations

- ⊙ Services used by companies and government agencies including Google, the US Food and Drug Administration, Visa, Amazon, the Japanese Ministry of Health, Labor and Welfare, Facebook, Pinterest and Microsoft

- ⊙ Information and assistance provided to registries and registrars at no cost

- ⊙ Founding member of Alliance for Safe Online Pharmacies (ASOP)

Internet Watch Foundation

Kristof Claesen, Policy and Public Affairs Manager

- Global hotline combatting availability of child sexual abuse material online

- Consumer education initiatives

- Works to help protect online industry networks and consumers

- Members have access to IWF services, including:

    - Notice and takedown

    - Keyword, URL and Hash lists

- Members include ISPs, mobile operators, content providers, hosting providers; filtering companies; search providers; registries

ICC BASCAP

Toe Su Aung, co-founder of ELIPE limited

⊙ ELIPE is an IP and digital consultant and policy advisor to the International Chamber of Commerce (ICC) Business Action to Stop Counterfeiting and Piracy (BASCAP)

⊙ ICC BASCAP members include: Apple, Baker-McKenzie, British American Tobacco, Caterpillar, Chanel, Croplife International, Diageo, Hewlett Packard, Japan Tobacco International, Lacoste, McGraw Hill, Microsoft, NBC Universal, Nestle, Nike, Pfizer, Philip Morris International, Procter & Gamble, Shell, Unilever, Universal Music/Vivendi.

⊙ Based on London, Su Aung:

   ⊙ Has extensive experience in defending brands against counterfeits

   ⊙ President of the International Trademark Association in 2013

Center for Copyright Information

Tom Dailey, VP and General Counsel, Verizon International

⊙ Served from 2011 to 2014 as the Chair of the Center for Copyright Information (CCI)

- ⊙ Collaborative effort between U.S. content creators in the movie and music industries and leading ISPs

- ⊙ Educates public about legal content options and works to deter copyright infringement

- ⊙ Implemented the Copyright Alert System:

    - ⊙ Voluntary system
    - ⊙ Copyright owners send notices of alleged copyright infringement to participating ISPs
    - ⊙ Notices forwarded to ISP subscribers in the form of a series of graduated copyright alerts

abuse.ch

Roman Hüssy, security researcher and head of abuse.ch

- A nonprofit project providing botnet tracking systems for the Internet community, such as ZeuS Tracker.

ShadowServer and Registrar of Last Resort

Benedict Addis, member of ICANN's Security and Stability Advisory Committee

- Nonprofit Shadowserver Foundation

  - Volunteer group of professional Internet security workers that gathers, tracks and reports on malware, botnets and electronic fraud

- Registrar of Last Resort

  - Special function registrar

  - Houses malicious domains that have been subject to takedowns as a result of botnets and other malicious activities

APWG

Dave Piscitello, VP of Security and Information and Communication Technology Coordinator at ICANN

⊙ Serves on the steering committee of the Anti-Phishing Working Group (APWG)

  ⊙ Nonprofit

  ⊙ 2,000+ members with more than 2,000 members

  ⊙ Works to resolve common challenges to the responder, technology and security communities to address issues of cybercrime

⊙ At ICANN Dave collaborates with the information security, DNS, and law enforcement communities on a diverse range of security issues related to the Domain Name System and domain name registration processes, including phishing, pharming, DDoS attacks, domain hijacking and other registration abuses.

U.S. Chamber of Commerce

Frank Cullen, Executive Director of the U.S. Chamber of Commerce Global Intellectual Property Center

- Directs the center's programs to promote and protect intellectual property rights in the online and physical marketplaces

- U.S. Chamber of Commerce

  - Represents the interests of over 3 million businesses and associations worldwide

  - Established the Global Intellectual Property Center to champion intellectual property rights as vital to creating jobs, saving lives, advancing global economic growth and generating breakthrough solutions to global challenges

- Cullen has over 25 years experience working as a congressional chief of staff and communications and public affairs specialist.
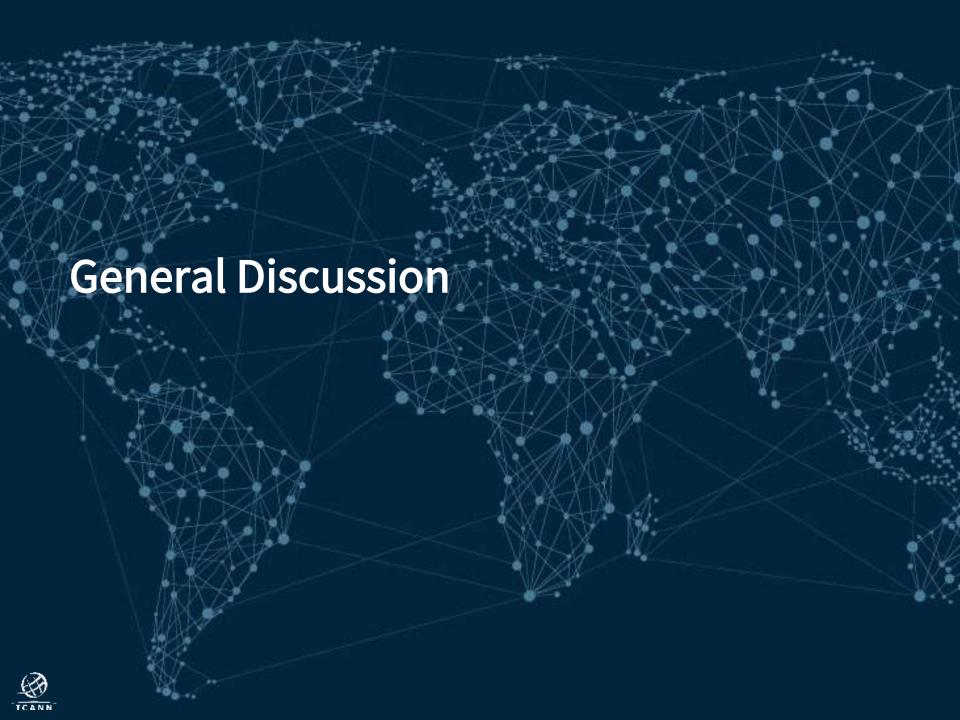
Internet & Jurisdiction Project

Bertrand de La Chapelle, Co-founder and Director

⊙ Launched in 2012

⊙ Global multistakeholder dialogue process to address tension between

⊙ Cross-border nature of the Internet

⊙ Diversity of national jurisdictions

⊙ Facilitates interaction between governments, Internet platforms, DNS operators, civil society, international organizations and academia

⊙ Draft transnational due process framework for cross-border requests regarding domain seizures, content takedowns and access to user identification

General Discussion

Next Steps

Next steps

- ⊙ **ICANN's mission and mandate is limited**

  - Does not include mediating, imposing or mandating solutions to address complex transnational legal issues

- ⊙ **Potential options for convening discussions/negotiations**

  - A trusted third party (not ICANN) might convene discussions

  - Impacted parties might initiate discussions on their own

- ⊙ **What would a successful outcome look like?**

  - A framework, negotiated and implemented outside of ICANN, for voluntary market-driven self-regulation.