

Transcription ICANN Helsinki
Policy Implementation IRT-IGO/INGO Identifiers Protection
Tuesday, 28 June 2016

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Dennis Chang: Welcome, my name is Dennis Chang. I'm ICANN Staff TDD Services and Engagement Foreign Director and within that role I'm responsible for implementation project of this IGO and INGO protection. So let's get started.

So today what we want to do is provide you first with a session objective, why we're doing this session and then give you some background on the project and some status and present to you our implementation approach and see if we can get some feedback from the community and talk about the next steps.

So the session objective, this is an open IRT meeting so it's an opportunity to gather community feedback on the work that we are doing together. So you're all invited to provide your input here. The Implementation Team -- as I will report to them -- consists of ICANN staff sitting around here and also the Implementation Review Team.

The Implementation Review Team is made up of these lists that you see on the slides. And in the room we have Petter. So what I would like to do at this time is maybe go around the room. And we have a small group here so I think we have time to introduce ourselves. So let's start from Karen down there.

Karen Lentz: Karen Lentz, ICANN staff.

John Passaro: Hi. My name is John Passaro. I'm a Legal Advisor at the Organization for Economic Cooperation and Development.

Petter Rindforth: Petter Rindforth, IPC in the Phoenix Legal Fund, Sweden.

Berry Cobb: Berry Cobb assisting the GNSO Policy Team.

Krista Papac: Krista Papac, ICANN staff.

Steve Chan: Steve Chan, ICANN staff.

Tom Iacobucci: Tom Iacobucci, ICANN staff.

Erica Randall: Erica Randall, ICANN staff.

Dennis Chang: Do you want to participate? Why don't you come sit at the table, both of you? We have plenty of room.

Rubens Kuhl: Rubens Kuhl, NIC.br, not a member of the IRT.

(Lara Dosan): (Lara Dosan), Trademark Clearinghouse.

Dennis Chang: Thank you and welcome everyone. Well, Francisco, do you want to introduce yourself or? Francisco is part of our Implementation Team.

Francisco Arias: Francisco Arias, ICANN staff.

Dennis Chang: Go ahead and introduce yourself and your role.

Adeel Sadiq: I am Adeel Sadiq, a next-gen Ambassador from Pakistan.

Dennis Chang: Welcome. So let me provide you with some project background.

Man 1: I'd love that.

Dennis Chang: Yes. So there was a policy development process that was initiated to develop this policy recommendation for provision of protection for identifiers of certain international government organization, otherwise IGOs, and international nongovernmental organizations, we refer to as INGOs which includes the Red Cross, the Red Crescent movement (RCRC) and the International Olympic Committee (IOC). And you will hear those four acronyms again and again, IOC, RCRC, INGOs and IGOs.

The PDP working group completed its work in 2013 and it has provided a consensus recommendation that was approved by the GNSO Council. In April 2014 the board adapted those of the PDP recommendation that were not inconsistent with the GAC advice received on the topic. And this will be an important point that I will clarify in a moment.

The adapted recommendation related to the protection related to the top and second level or the specific RCRC, IOC, IGO names and with the exceptions procedures designed for the affected organization and 90 day claims notice process for the second level for certain INGOs.

So the important part of what I said about not inconsistent, so when the policy recommendation came out, it had various recommendations which the board had adopted as not inconsistent. And there were parts of the recommendation that was differing from the GAC advice that was received.

So board asked more time to consider those items that had differences between the GNSO Council recommendation and the GAC advice.

So the - on the RCRC we are to reserve full names for these RCRC names in 61 languages with a provision for exceptions procedures. However, we're not to implement the 189 national RC societies or the 90 days claims. So that's a very important point that we have to keep in mind. This project is only to implement the first part that is considered not inconsistent.

On the IOC there was no differences so we are implementing the GNSO Council recommendation as it was provided.

On the IGO there were differences so we again have to be mindful of what we need to implement and not implement as you see on the slides.

On the INGOs there were no differences so it's a simpler matter.

The tricky part here is top level and second level are treated differently. The top level we provide reservations. On the second level we are providing 90 days claims process.

Any questions about this from anyone? Okay then let me move on.

I think this slide will provide you more clarification for those of you who are tracking, monitoring the IGO, INGO activities. Essentially there's three tracks or three streams of activities for IGO and INGOs.

The first line you see that are in blue is the policy recommendation that we are implementing today which is this project.

The second line you see -- and we call that the reconciliation of GNSO recommendation differing from the GAC advice -- those items are what I just showed you in the previous slides. And we are waiting for the board to take action on what to do next on those items. So this Implementation Team is not to implement those items.

The third line you see -- the last one -- is what we call IGO, INGO curative rights protection mechanism. And that is still in the policy development phase with a working group and therefore it belongs in the GSNO.

So the bottom line is this policy implementation project is focused on only those GNSO recommendation that is not inconsistent with the GAC advice which is -- going back to this chart on page six -- is the first column.

Let me pause here and see if there are any questions. Is this clear? There was a lot of discussion yesterday at the GNSO Council. And they were talking about the second line and somewhat the third line but not the first. Okay? We'll move on then.

So the status of the implementation today is this. We look at the implementation project in three work items, the things that we have to do.

The first one is securing the initial list of identifiers. The second is defining the list update process. Third is to develop the systems and processes that we will be using to operate these protections.

As list goes, we have secured RCRC, IOC and INGO identifiers. We also needed the INGO contact list to implement the 90 days claims which we have secured.

And IGOs, we have received the first set of the list in English and we are seeking the second set. And we'll talk a little bit more about that on the next slide.

Defining the list update process: INGO we have a development working with UN DESSA on way to update the processes. On IGO, IOC and RCRC we are in the definition phase with the IRT. We discussed this in our last IRT and we will continue to do so. And we'll tell you what we're thinking of our approach in a minute here.

On the development systems, for the full name reservation process, we will use our current system and process that is already in place on the 90 days claims. We will be using a system that is like the TMCH and leveraging the systems that we have.

About the list, so this is a table to simplify what the status is about the list. So RCRC, you will see that we have complete list; IOC we have a complete list; INGO also.

And IGO, as I said, the recommendation we received was that are protect up to two languages and GAC had provided us with one set of languages. So we have written to the GAC seeking the second or up to two language, second language being an optional language. And that letter was sent to GAC on 17 June. And we are in coordination with a GAC support group to obtain that list for implementation.

Let's talk about - okay, go ahead Petter.

Petter Rindforth: Just a quick question on update but as you said, the contact data for INGOs is fully completed. Can you just make a quick comment on how you received it and identified it because I know that we have discussions from previous meetings that you had some problems on getting that?

Dennis Chang: Yes that's true. A couple of IRT meetings ago -- actually in Marrakesh -- we have talked about the difficulties or challenges of getting the INGO names, specifically the ECOSOC list from UN DESSA.

Since then we have managed to make contact and have built the working relations and UN DESSA had provided us with a list and the contact information we needed for the ECOSOC. So we are in receipt of our initial list. And we received it and it had all the information that we can use and we can implement.

What we have yet to do and we are in the process of doing is to develop an update process, a procedure, and reach an agreement with UN DESSA. And we'll talk a little bit more about that is that we are likely to have an ongoing conversation with the organization including get something in writing in terms of agreement, perhaps an MOU.

Let's talk about the update process for the full list. So how do we update our process? We'll talk about INGO first. So as I was just mentioning, UN DESSA is the authoritative source for the ECOSOC list. And our approach here is to identify the list authority and receive the list from the list authority and then ICANN will simply implement the list provided by the list authority.

And it so happens that UN DESSA's process is an annual update of the ECOSOC list. Consequently we have asked them to provide their list as they make them annually and we will simply update our system annually.

IGO: We look to the GAC who provided our - the initial set of list. And as I said, we are going back to the GAC to get the second set of strings up to two languages. And once we receive that, we will implement the protection for the list that we are given, again looking at the GAC as the list authority.

And RCRC and IOC: It's our approach that we're going to treat it the same way as IGO list. It's our plan to look to the GAC as the list authority and ICANN will simply implement the protection that we receive from the GAC.

Does that make sense? Go ahead.

Rubens Kuhl: Rubens Kuhl for the record. Does that mean that the mistakes that are currently in the RCRC reserve list came from the GAC and we can't fix them because it's the GAC that made them? The mistakes I mentioned, Society Russian and Russian and Tajikistan terms that are still incorrect in the reserve name list.

Dennis Chang: That's a good point Rubens. So what we are going to do is when we go out for public comment, we are going to propose some correction if we deem this obvious. And if the IRT and the Implementation Team agrees, we'll put it out there. And if there's no objections, I think that we can go ahead and make the corrections but if you have suggestions, we would love to hear from you.

Rubens Kuhl: I already posted them on the GNSO Council list. Maybe you won't remember that but that comes long back to like a year from (unintelligible) that have raised that issue with GDD portal. So that goes far back.

Dennis Chang: Did you want to speak to this?

Petter Rindforth: Okay, you read my thoughts. Just one thing that came up. When you send this out for comments and you refer to the GAC list, it would be very good to have some information on how this list has been set up, under what guidance because as you know, in another working group, we're talking about The Paris Convention rather to identify ideas and that is not the same. That's more limited than the GAC list.

And obviously there are some other difficulties there so just without any comments, positive or negative, it could be good to have some information on how this list has been set up from the start.

Mary Wong: This is Mary Wong from ICANN staff. So Petter can I just ask a clarifying question. Which list did you have in mind because there's -- in terms of getting the information -- because there's the list of names of the Red Cross and the IGOs and the INGOs? Thank you.

Petter Rindforth: Well I was thinking about the IGOs list specifically just so that everybody has the basic information on how that is created, the list that came from GAC.

Mary Wong: This is Mary Wong again from staff. So this is multiple clarification for the transcript. So the understanding we have is that the IGO list was sent to ICANN by the GAC in I believe March or April 2013.

And in that - as part of the correspondence of sending that list, the GAC did mention criteria that were used for the inclusion of the IGOs that are currently on that list. And I believe it's very similar or based on the .int criteria.

That doesn't mean of course that we can't seek further comment or clarification but that's our understanding of the basis upon which that list was sent to us.

Petter Rindforth: And sorry I don't mean any further comments but just a note when you send it out on what the list is based on.

Dennis Chang: Yes, we will note that Petter. We will be working on the consensus language document that will be used for public comment together with you. So we'll make sure that note gets in there.

Petter Rindforth: Thanks.

Krista Papac: Krista Papac, ICANN staff. I just wanted to go back to your question Rubens but I wanted to let the conversation with Petter and Mary finish up. So just one quick update on the Red Cross names. We have been in contact with them trying to -- these whole lists are very complicated -- but trying to sort out some of the things that you've brought up.

And we've gotten a response from them that looks like there's some changes that we could address. I don't know if it 100% addresses everything you're talking about but there are some changes which we need to work to implement on our side to update the published lists that you guys work from.

And then that requires us to also send you a legal notification which falls under Section 7.9 of your contract.

But that's something that we're working on internally. We've been working to resolve it. And you may not be 100% happy but I think you'll be happier than you are today. So we're getting there.

Rubens Kuhl: Just don't send us faxes. We prefer e-mail.

Dennis Chang: Thank you everyone. Let's move on to discuss the 90 day claim system. So the 90 day claim system is in the design phase and we're defining the processes here now.

And the claim systems only applies to the INGO identifiers at the second level -- so let's make that clear first -- which means the list that we will be using is the ECOSOC list that we will be receiving from UN DESSA.

And as I said, when UN DESSA sends us the list, we will go ahead and implement it exactly. And we will not try to evaluate or adjust the list.

And for your information, the identifier list or organization names are on their Web site and anyone can go visit their Web site and review the list today. It's a public information.

What they're giving us is a list in a spreadsheet form that's easy to work with. And they are including information that we need to do claims notice, such as address, phone number and e-mail address, contact information, along with the list.

So when we get the list, we will go ahead and do the DNS label creation from the list and we'll use the same algorithm that we have already used on SPEC 5.

And when we do that, there was a question in the GNSO recommendation page, a note that what will we do with characters that are longer than 64. And the answer to that question -- and that's what I noted here -- is that because the algorithm does not support or the DNS system does not support characters 64 or longer, the answer is that there will be no DNS label created for that identifier.

The other things of note is that we will go ahead and use the same sort of interface that you're all used to, meaning registry, registrar and registrants from the TMCH system in terms of claims notice. So the Implementation Team right now is in discussion with the vendors to create this 90 day claim system.

And what else can I tell you about the process or the system? We're anticipating it's a straightforward design process or the processes that is very familiar to you already. And we are not going to try and create something that is very different or new. Any questions on the system or process that we are planning?

Lori Schulman: Hello. Lori Schulman for the record. This essentially goes over I think what we did in our last meeting. And I had raised some issues then. And I was wondering if any more thought had been given to it or if it's just a closed matter on this idea of taking little exacts and particularly when you make the comment about names that could potentially be longer than 63.

Then, you know, theoretically then you can end up with these strings that are essentially garbage that aren't identifying the NGO, that aren't really doing what they're supposed to do is protect an NGO name in the way that it would be used and recognizable to the public.

And I still think that's an issue at some level. And, I don't know, I'm wondering if we need to give more thought to that. I understand being agnostic and I'm

not necessarily challenging that at the higher level but at a practical level, are we then saving the spirit of what we've been asked to do?

Dennis Chang: So let me ask Francisco to maybe provide some explanation on a technical basis of what a DNS system allows or cannot accommodate for the specific, the topic of longer than 64 characters.

Lori Schulman: I appreciate that but I want to follow up and say that technically in terms of substituting symbols or spaces, I'm interested in hearing the explanation. But I still -- even understanding what the technicalities may be -- are there some practicalities with working with UN DESSA? That's all I'm asking.

Krista Papac: Thanks Dennis. Krista Papac, ICANN staff. Hi Lori. I'll let Francisco explain all of his - share all of his wisdom on DNS labels.

But the short answer is that the policy itself says it has to be an exact match and that's gospel basically.

Lori Schulman: I kind of need to leave that to the room. We can talk privately if other people... I understand there's technical limitations even if I don't understand the technical itself per se.

But I still in my mind call to question, you know, when people say exact, I don't even know that people really mean exact quite frankly.

And I just worry about these organizations that are looking to a level of protection that if we use this exact highly technical, agnostic system that we end up with domain names that aren't - you know, that don't make sense, that aren't usable, that aren't going to get...

And the real protection issue might not even get captured because if we're using the identical legal name and there's... And maybe this doesn't matter

because these aren't the IGOs and they're NGOs and they should know better.

I don't know the answer to that one but if they're relying on sort of this paternalistic system we've come up with to protect them and the end results are domain names that don't in effect protect them through the claim service, I don't know why we're going through this.

Krista Papac: Thanks Lori. It's Krista again. Yes. It's one of the challenges of - these policy recommendations are challenged in a couple different ways. This is one of them.

And it's - while the policy recommendations make sense when you're talking about them from a PDP perspective, when you get to the other side of the wall and you're trying to implement them, we're running into these exact issues.

And it really is a question that we also have when we talk internally about how to implement this. You're right, like these names - is this really what was intended. But we also have a policy recommendation that's been approved by the board that says exact match.

And so we're still struggling ourselves with -- on the staff side of this -- with, you know, what is the right thing to do, do we need to go back to the policymaking body to ask is this - did they really want this ginormous thing or did they mean something else.

And it would be really - would encourage any of you in the room, IRT or otherwise, if you have any thoughts or suggestions on the best way to approach it because we're wrestling with that ourselves.

Lori Schulman: Lori Schulman again for the record. And again we discussed this a little bit on the call I think it was a few weeks ago but I feel that since more people are in

the room, it might just be worth expanding it for - just for a few more minutes, this discussion about some sort of - I don't know if it would be a validation service, it would be something that not necessarily ICANN would do.

Like if we produce this list and the list has these really crazy names, then shouldn't it be or maybe a recommendation day to work with UN DESSA to get some sort of confirmation from the organizations in question maybe this is supposed to protect? And if they don't come back, I mean if they send an inquiry and the inquiry is not answered, I think that's the end of it. I wouldn't have any sort of process that belabored something or stretched out time.

But I'm wondering if it makes sense at least at a high level to have some sort of validator with the organizations themselves that these are the domains they're using or the name that came out through our agnostic process is the name.

Rubens Kuhl: Rubens Kuhl. I have a question. I really don't know the answer. Does trademark plus 50 applies to the IGO or NGO names?

Dennis Chang: The answer is no.

And Lori, yes, we have been thinking about how we should go about this for a long time. And we keep coming back to the conclusion that the ICANN should not be in a position to validate someone else's authoritative list or try to gain another name based on what comes back.

Then do we go back to UN DESSA and then treat the name in a different way? We, you know, to be fair and equal and objective as possible, the going toward a - doing something more than what we were asked to do in - with all - with good intention of course, right, well intended, could be a slippery slope.

Lori Schulman: It's Lori Schulman for the record. I agree to that point and I was thinking more of the validation issue as a UN DESSA responsibility, not a ICANN and certainly not a registrar responsibility so.

Krista Papac: Thanks Dennis. I'm Krista again. I think the other side of the coin is the challenge also thinking of the registries that have to reserve these names or protect them. I don't want to speak for them.

But there's one side of the argument that says the policy said to reserve blah, blah, blah, blah, blah, blah, blah, blah and UN DESSA comes back and says, "No, no, we really want this truncated version of it." I don't know but I feel like there would be registries -- they're shaking their heads -- that would say, "But that's not what the policy said. It said..." So that's kind of the struggle.

And I think you understood Dennis' point. From a staff perspective, we're just here to implement what you guys tell us to do so we're - this is a struggle that we have right now. So it's the challenge.

Lori Schulman: I'm going to do one more response then I'll let it drop, okay? But I think it's important. It's important from a broader name protection which is what this is supposed to be is that maybe the idea is again we need to work harder on capacity building and knowledge awareness in the sense that these organizations are having these strings put in supposedly to protect them.

And I completely get the technical point and I'm not discounting the technical point.

But I still have this concern about all this work being done and done for the good reason and then at the end of the day, it's really not - it's not having the end that we thought it was going to have. That's all.

Dennis Chang: One thing that I can tell you is that we are going to have a working relationship with UN DESSA will be reaching to their organization with this added benefit. And through that process we believe the NGOs, INGOs will be educated and more knowledgeable and all 4,000 organizations will now be aware of what a DNS is and what protection is.

So on an annual basis, they could approach UN DESSA to update their names, information or a new application. So gradually maybe we will achieve what we had intended to do. But for now, we're trying to get started.

Lori Schulman: Thank you.

Dennis Chang: Thank you Lori. Go ahead Petter.

Petter Rindforth: Petter Rindforth. Just an idea that came up and you probably have already thought about it but have you provided some educational information, slides, for these organizations that they can use to have a good start, so to speak?

Dennis Chang: Absolutely. That's our intention. And we will have to start with UN DESSA themselves, right, because they're - this is all new to them. And we have just begun the working relationship. So there will be a series of "tutorial training." Go ahead.

Krista Papac: Thanks. It's Krista again. Thank you Lori for saying that you were going to finish up your questions. I just wanted to add one more thing to that. I'm a little slow on the uptake today so forgive me.

So the problem that you're bringing up is not just a problem here. It happens from time to time.

And one of the things that we're talking about on the GGD, Global Domains Division, side of things is looking at the policy development work earlier on

from the implementation side of things to try and identify some of these challenges before they get into the policy recommendations because it's...

The policy development work is excellent work but it has a specific focus. And the implementation side of it is just very, very different. At ICANN we -- across the teams, Global Domains Division, policy teams, etcetera -- have realized that it would make sense for - rather than there to be PDP work and implementation work, it kind of makes more sense to try and have those things be a little bit more cohesive so that these types of things can maybe - not -- I mean, we can't think of everything -- but could potentially be identified a little bit earlier on so we don't end up here today.

You already see like our policy folks are here from the implementation perspective supporting it. We're trying to do the reverse of that.

So we're working towards that. It doesn't fix this problem we're discussing today but hopefully it will help a little bit more with some future policy work.

Dennis Chang: Okay. Let's move on. So I want to present to you the timeline of this implementation project. So it's our aim to go out with a public comment with the policy - the consensus of policy implementation language in August and then the announcement to be made on 1 February 2017 with the effective date of 1 August 2027.

So to achieve that, those milestones, the Implementation Team has identified deliverables or specific gating items that we must have before we achieve those milestones. And the important thing here is to see that what we will wait for and have to have and what we are willing to let it pass the milestone for the next milestone to catch up.

For example, what you will see here for our public comment, we believe it's essential to have the agreement or MOU with UN DESSA to make sure that all parties involved understand our obligation to support this implementation.

And the other things are the update process that we have to clearly identified and have the public agree with who we consider authoritative for the list and how we will go ahead and maintain that.

Now the - specifically what we are not going to wait for and we believe it's okay to do -- and I want to point this out -- is the GAC list or IGO list which we have asked for for the second language or up to two language. So I am not sure whether we will receive the second set of language from the GAC by August.

But even if we don't, we believe that we can go ahead and provide the consensus language in August and have the public comment provide feedback on our plan.

Is everybody okay with that plan? Does anybody see any issues there?

And moving on, of course before we make the announcement, we will absolutely have to have the full list exactly so that everybody involved in implementing the protection will have the list. So that's our plan.

So next steps for the Implementation Team -- and again Implementation Team including not just the staff but Implementation Review Team also -- is that we are going to get the MOU for UN DESSA and define our 90 day claims system in more detail and the update processes and document that in the consensus policy language so that we can go ahead and provide it for public comment.

Next couple of scheduled IRT meetings are these: one at the end of July, the other one 25th of August, the 25th of August meeting being the last meeting before our public comment.

And the IRT -- like any other IRT that we have at ICANN -- we have a community Wiki page where all of our meeting material is posted. So everyone is welcome to review and provide us your input at any time. And you need not wait for the public comment. And we would appreciate any input that we receive.

So I post here a couple of other meetings that you might be interested in because you're here for IGO, INGOs. So there is a GNSO IGO/NGO the access to curative rights mechanism PDP working group meeting, which (Mary) is going to run.

Mary Wong: I am?

Dennis Chang: This afternoon, right? And then there is also an important I think session for the GAC where they will be discussing this IGO/NGO names and acronym protection. And these two relate to those two work streams that is not part of the implementation yet but we need to be aware of them so not to be confused and have clarity with everybody involved.

So this is -- the page that you see -- how we engage with ICANN. And feel free to contact me directly if you have inputs on this project or any member of the IRT. The IRT member list is provided at - on the community page.

And the last page, we look for your feedback on the format of this format B policy forum.

That is the end of the slides. And any other - we'll take any other questions or feedback you might have. Go ahead and identify yourself and speak.

Liz Finberg: Hi, Liz Finberg, general counsel, PIR. Am I correct that for this implementation none of the names that we're talking about are already in the zone, in other words we're not envisioning a claw back, correct, because the names have already been registered?

So for example I heard you say that we're still waiting for GAC to give us a list and do - are we confident that the names that will be - that we're talking about here that will be run through the TMCH are not yet registered? That's my question.

Francisco Arias: This is Francisco Arias from staff. So I believe the policy applies to - only to these (unintelligible) effective date that have their sunrise and claims bid after that. So they will not have the names registered yet.

Liz Finberg: Thanks. That was my question.

Krista Papac: Hey Liz. It's Krista. Just one small, small clarification. And I don't -- maybe not in this room but in some other rooms -- there's some sensitivities around the claims that would apply to these - this policy or their future policies related to this, our claim services would use some sort of claim service but not TMCH.

Some folks are sensitive about the trademark word. So I just want to respect those sensitivities. I know you understand but anyway.

Liz Finberg: Yes. I understand. I was on the official - so yes.

Krista Papac: We find ourselves saying it all the time too.

Liz Finberg: It's a TMCH-esque sort of process, yes.

Krista Papac: Exactly.

Liz Finberg: Thank you.

Krista Papac: Yes, no worries. Thank you.

Dennis Chang: If there are no other comments, questions, we will conclude this meeting.
Thank you everyone for attending. And IRT, we will see you at our next meeting. Thank you.

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