

# Governmental Advisory Committee New gTLD Program Briefing

19 June 2010





# BRUSSELS

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# Agenda

## I. Guidebook updates

- Malicious conduct / Security & Stability
- Evaluation
- TLD Criteria / Application Requirements
  - Country / Territory Names
- Registry agreement

## II. Resolution of issues

- Malicious conduct
- Trademark protection
- Economic studies
- Root zone scaling

# Updates to Applicant Guidebook

# Malicious conduct / Security & Stability

- Enhanced details to background checks
- HSTLD description / controls
- Registry services review enhancement
- Zone file access
- Whois searchability
- Emergency transition procedure
- Change of control provisions

# Evaluation

- Pre-delegation testing enhancement
- Panelist code of conduct
- Added quality controls
- Timing of public comment

# TLD Criteria & Application Requirements

- Country names not available in first round
  - Based on GAC advice in recent communiqués
  - Existing definition for country/territory names remains
- Example of government support letter
- IDN table requirement

# Registry Agreement

- Restrictions on co-ownership: Separation of registries and registrars
- IGO provisions – based on UPU agreement
- Trademark protections
  - URS
  - Clearinghouse
  - Post-delegation dispute resolution
- Amendment process
- Withdrawal of government support



# Geographic Names: Post-Delegation

- Government approval required in cases of change of control or registry transition
- In a dispute between a relevant government and registry operator, ICANN will comply with a legally binding decision in the relevant jurisdiction. [GAC recommendation]
- In case of community-based application, government may pursue action under Registry Restrictions Dispute Resolution Procedure.

# Resolution of Issues

# Mitigating Malicious Conduct

## New provisions incorporated into Applicant Guidebook

- Vetted registry operators
- Centralized zone file access
- Prohibition on wildcarding
- Expedited Registry Security Request
- Thick Whois requirement
- Registry-level abuse contacts & procedures
- Orphan glue record removal
- DNSSEC deployment

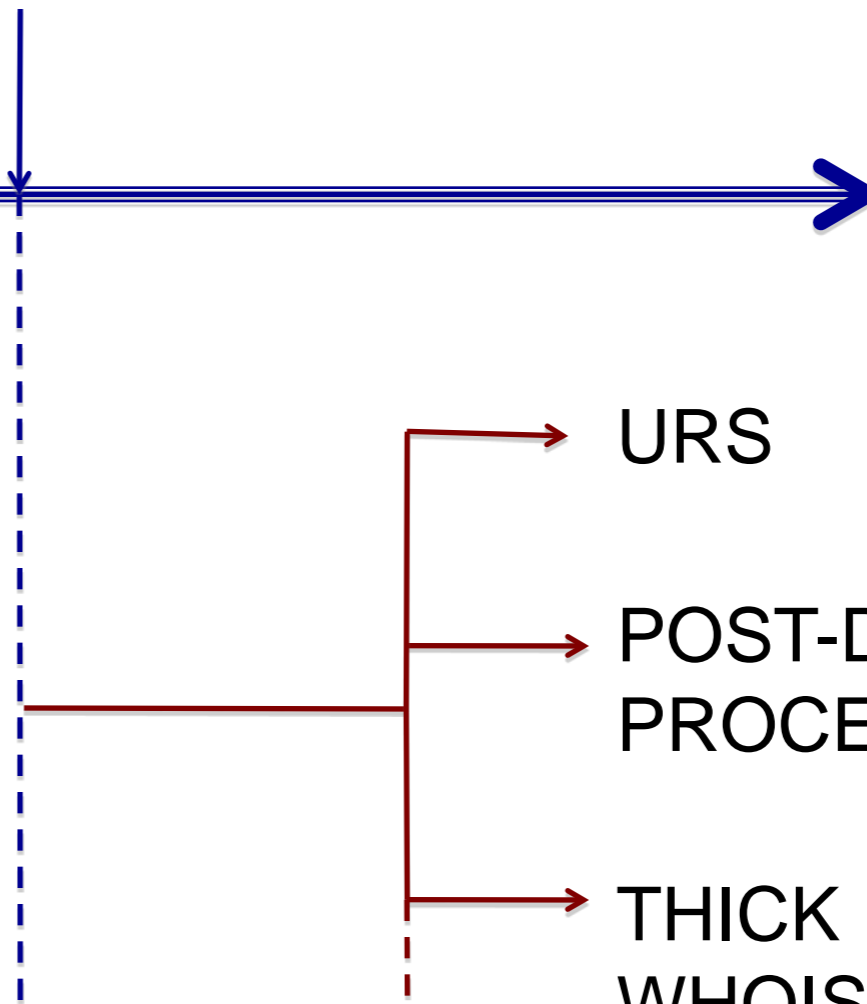
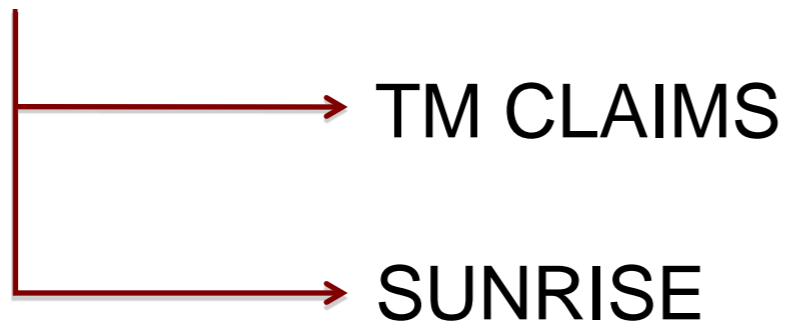
Continuing development of High Security TLD (HSTLD) designation

# Rights Protection

## **REGISTRY LIFECYCLE**

PRE-LAUNCH → LAUNCH → ONGOING OPERATIONS

TM CLEARINGHOUSE



→ URS

→ POST-DELEGATION  
PROCESS

→ THICK  
WHOIS

→ UDRP



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# 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 affirmative conduct by registries
  - systematic trademark infringement or use of TLD for an improper purpose
  - may be at top-level or second-level
  - added threshold review for complaints
  - Panel recommends from among graduated enforcement measures
- Parties: trademark holder and registry
  - filing fees shared by both parties
  - loser pays prevailing party's filing fees
- Contractual compliance, URS and UDRP are also available for individual cases



# Community Protections: RRDRP

Provides a forum to address allegations that a community-based gTLD registry operator is not enforcing restrictions stated in the terms of the gTLD registry agreement

# 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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