



New gTLD Program

Governmental Advisory Committee

4 Dec 2010



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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

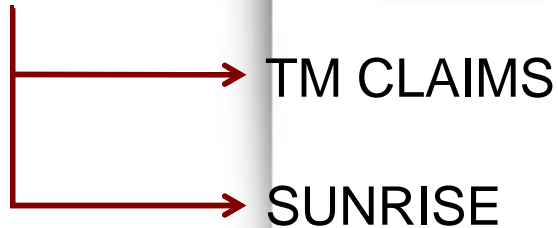


Rights Protection - Status

REGISTRY LIFECYCLE

PRE-LAUNCH → LAUNCH → ONGOING OPERATIONS

TM CLEARINGHOUSE



→ 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



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One World

One Internet

Questions

