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HYDERABAD – Fellowship Program Daily Wrap-up  
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SIRANUSH VARDANYAN: ...difficult schedule to come and to talk to you, and to today we have the pleasure to see the chair of, yeah, the chair of address supporting organization ASO. You heard this abbreviation many times at the beginning. So, we have the pleasure to host the chair of this constituency, Louis Lee, and Louis, please introduce a bit about your constituency. Tell how people can get involved with that, and then we'll have a brief Q&A session, and later, we'll be sending your contact information also to people for more questions to come remotely. Thank you very much, the floor is yours.

LOUIS LEE: Certainly. Thank you very much. All right, my name is Louis Lee. This is Louise [inaudible]. It's an easy way to find me during the conference, and I will be wearing a hat, of sorts, at each ICANN meeting. Do I need to hold the mic better? Okay, here we go.

All right, great. So, the ASO is the Address Supporting Organization. Now, ICANN has to Ns at the end. We are the second N of that ICANN. Okay? Address being IP addresses,

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Internet Protocol addresses, IPv4, IPv6. And the other set of numbers are the autonomous system numbers. These are the numbers that help designate the different routing zones.

For instance, an ISP or a big website, may have their own AS number. Because they need to talk to different networks, and show that this is one routing domain, and then they have a set of IP addresses that their machines will be numbered into.

Now, I want to make sure that everybody understands what an IP address is. Somebody want to try to explain it to me? Or is everybody really up on it and I don't have to go over that?

UNKNOWN SPEAKER: This is [inaudible] from Asia. Address is my experience on the internet.

LOUIS LEE: Okay. Go ahead.

PAUL: This is Paul from Kenya. An IP address is a unique number that identifies a device on the internet, and they are of two types: IPv4, which is like 192.1.69; and IPv6 which is 2001 full colon and something like that.

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UNKNOWN SPEAKER: I would just add that it's not an unique number, it's an unique number network, because it can have like [inaudible] different networks. So, it's not an unique identifier.

LOUIS LEE: You all are right. Okay? So, a number is unique on the internet, need it that way because you need to talk to a specific device at any given time, and always that device. However, certain sets of, a subnet of these numbers are set aside so that you can reuse them in, within your organization, and another organization can use the same set of numbers. So that, you might find that, for instance, in your home, behind your internet router.

Within your home, all of your devices will have a set of addresses given by your router. The home next door may have the same set of IPs. Now, your router will present to the rest of the world, an unique address, so that the conversation that your computer has to the outside, will be guaranteed that it will be coming back towards you, rather than to your next door neighbor. All right?

So, I think we're okay with that. So now, being with that, it's an unique identifier. And, an IP address, there is only so many, right? They say it's a 32 bit address, so there is so many addresses in the world, it's a limited resource. In contrast with a domain name, you have virtually unlimited number of domain

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names you can have, especially now with internationalized domain names.

You can have a domain in multiple scripts. So, with a limited resource, the community has decided that we need to have some guidelines, some rules, some policies, if you would, to govern how you give out these addresses. Okay? Typically, it's a needs based, meaning that you show that you have an operational need.

You can use up so much space within your next year, two years, three years. Depends what region we're talking about. And once you show that you can use up that much space, this much space will be given to you. Now, around the world, however, this is broken up into five regions. In most of these regions, the addresses that were given out to these regions to give out to the ISPs, to the content, to the enterprise companies, all out. Okay?

We're talking about IPv4 space, so this is the first set of addresses that the internet knows about. There is a second set of addresses, IPv6, it's a much larger space. If you would, let's compare this with credit cards, okay? You may have a Visa card, with a Visa number on there. You don't really care what that number is, as long as it's unique, right? Nobody else has that number.

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Hopefully. And we can talk about that with fraud too, you know, how that works on the internet, if somebody else is using the same number. So, you have certain rights with this number, and promises, but you don't really own the number, right? It's just a number that's within the Visa system. Well, it has a limited size, right? How many digits are on a credit card? Visa card, typically? Is it 16 about?

Yeah, okay. How about an American Express card? Yeah, it's a different set, it's a larger set, but you can't use an American Express card on a reader that can only accept Visa. In much the same way, IPv6 is not compatible with IPv4, unless your equipment is configured to read both sets of addresses.

Much like many of the readers today for credit cards, can read both Visa and MasterCard. Visa and American Express, MasterCard, so on, other systems. So, the... With IPv6 in such a large number, the idea of conservation is not as necessary, much larger blocks can be given out to companies. Typically, a company will receive a block that could be thought of as big as IPv4 internet today.

So, there is much potential for growth. All right? Let's see, I'm kind of jumping around a little bit. I wanted to see, what kind of questions everybody has. Maybe I go a little bit into policies, okay? All right. Yes, back there. Mic please, yes.

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UNKNOWN SPEAKER: This is [inaudible]. I assume that [inaudible]... I assume that inside my organization, [inaudible] all working in IPv4, yeah? So, if we will try to change it to IPv6, we have to change all the little tubes inside my organization. I think it [inaudible] asked a lot. It's among our challenges.

LOUIS LEE: Okay, so the thought is that if you turn on IPv6, you have to do that for every piece of your equipment on your network, right? Well, you don't necessarily have to do it all at once, though. So, being that IPv6 can work parallel with IPv4, perhaps you can turn on IPv6 on the outside of your network, where you are running services, like DNS to start with.

And then you have your web server and your mail server. Then that way, the IPv6 internet part of the world, can still send email to you, can see your website. They may not necessarily be able to talk to your computer, your laptop directly, but typically, there is not much of a need to do that.

Right? They can reach your mail server. You can reach your own mail server via IPv4, and then pick up the emails, so on. It should work very well that way for a short while, at least, until your computer needs to reach an IPv6 only server. Right?

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For now though, there is still not that much part of the internet that's v6 only, perhaps maybe only on the mobile headset that most people don't need to initiate connections to.

UNKNOWN SPEAKER: It's a follow-up question, more or less. Dual stack is more or less established now. People are announcing v6 traffic to the net. So, the root service that we have, are more or less dual stack, but the evolution of IOT will make only v6 addresses in the internet space.

So, could you please let us know whether the ICANN is thinking about v6 only DNS root servers, or individual infrastructure for the next generation?

LOUIS LEE: So, it's more of an IOT focus. Is yours back to the last topic more so? Your question?

[SPEAKER OFF MICROPHONE]

Okay.

[SPEAKER OFF MICROPHONE]

Why don't I have them ask that way? We can see if we should jump right into your topic, or stay in this for a little bit? Yes.

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UNKNOWN SPEAKER:       Actually, I am giving all of you thanks, your connected here in Hyderabad. I'm from Hyderabad [inaudible], I'm very happy to all of you participating. But my simple question, my name is [inaudible] from [inaudible]. Actually, I'm practicing advocate how completed [inaudible] also. [Inaudible] in cyber transaction.

One of the non-commercial [inaudible] belong to U.S., American allowing IP address, etc. Okay, [inaudible] domain name, IP address, trademark, these are similar names, no problem at all, but my question is that, [inaudible] any person [inaudible] address any [inaudible] this is that [inaudible] dot com. Actually, it is wrong, quite wrong, I feel wrong.

In [inaudible] some [inaudible] for our reason www dot [inaudible] commercial [inaudible] www dot [inaudible]... www dot STU, for social outreach, www dot [inaudible]. So, [inaudible] prefer my [inaudible] address, because [inaudible] do [inaudible]... I'm cyber educated some, how can I [inaudible] name dot com, [inaudible] dot com. Can you understand my language?

SIRANUSH VARDANYAN:       Can you introduce yourself please?



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UNKNOWN SPEAKER: ...dot com. You also [inaudible]... That's all. That is my...  
Okay. I stop.

LOUIS LEE: Thank you.

SIRANUSH VARDANYAN: Can you introduce yourself for the record, sir? The person who  
was asking the question.

UNKNOWN SPEAKER: My name is [inaudible], Indian name, [inaudible]. My surname is  
[inaudible]. It is, of course, [inaudible] full stop. [Inaudible]  
there must be full stopping... [CROSSTALK]

LOUIS LEE: Thank you, thank you very much.

SIRANUSH VARDANYAN: Thank you very much.

[NAREEN]: I have a comment. [Nareen] for the record. This is what we call  
perfect hijacking.

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LOUIS LEE: Thank you. Perfect segue.

UNKNOWN SPEAKER: I have a question...

LOUIS LEE: If I may address the IOT topic first? Or would you like to jump back to the previous topic?

UNKNOWN SPEAKER: This is regarding the reclaimed address space.

LOUIS LEE: Okay. Then if I may do the IOT then, then we can go to the reclaim space. Okay. So, you ended the question though, asking about IPv6 only name servers.

UNKNOWN SPEAKER: IPv6 only root servers.

LOUIS LEE: Root servers.

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UNKNOWN SPEAKER: Yes.

LOUIS LEE: I'm not sure it's that useful to have v6 only ones at the root. Okay? The reason is, that DNS queries, while they can come over IPv4 or IPv6, when you go to it either protocol, you could answer, or your answer could be either IPv4, A record, or quad A records, for v6 addresses. So, maybe you can clarify whether it's a v6 only by transport, or v6 only as an answer. Quad A only.

UNKNOWN SPEAKER: Actually, back of my mind...

SIRANUSH VARDANYAN: Can you tell me your name first?

UNKNOWN SPEAKER: This is [inaudible] for the [inaudible], thank you. Back of my mind, I had one of the vision that [inaudible], one of the community leader, was sponsoring, or I would say [inaudible], one percent accredited by ICANN, v6 only DNS. And I didn't have the opportunity to meet him in this event, but if you have any information regarding that, and if so, is it so necessary to go for v6 only, root DNS server or something like that?

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So, that is my question, whether we need a v6 only DNS server for the upcoming boom of v6 address only devices in the internet space.

LOUIS LEE:

Okay. As long as you have v6 transport, and you were talking about a v6 infrastructure, all the way up to the root server, your network doesn't care whether that server is v6 only, or dual stack v6 v4. As long as it's available to do that, it's fine. And also being that a set of servers, that a set of servers can answer on v4 or v6, you may have v6 only servers that are closer to you deployed, and any cast that address, okay?

By any cast, I mean that a whole number of different servers around the world can have the same IP address. And as long as the servers that have that same address have the same, configured the same way to have the same answers, it really doesn't matter. Your local, the server that's nearer to you goes down, and it stopped announcing that you can reach me at this address, the next further server will be able to announce that yeah, you can reach me, and get the same answer.

So, this is part of the DNS resiliency that we have across the net, okay? If I may go to this question over here? He was next. Thank you. Your name please.

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[NAVEEN]: [Naveen], a Fellow, for the record. I need to know about the ASOs approach on reclaiming the space, and is it...? I mean, split equally or is it like, just giving [inaudible] for the regions which are address depleted?

LOUIS LEE: Okay. So, when addresses are returned to one of the IRIs or to IANA, it does make its way up to IANA, okay? And one of the last global policies that was passed, is to give IANA the way to give those addresses back to the community. And the way it does that is that periodically, it will break up this set of addresses into five equal parts, and offer it to all five regions. And yes, they will most likely take it, because it's, each region's pools is mostly depleted.

Once the region gets the IP, it will look at its own policies of how it gives out that set of addresses. For instance, in the ARIN region, there is a wait list, okay? And it says, okay, this company has a request for this size block, next company has... So, just work down from the top of the wait list. Okay? Yes.

PAUL: My question is on a policy issue concerning... So, for the record, my name is Paul. ICANN returning Fellow. My question is, with

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the structure of IANA actually having changed, I read the proposal from my [CT] that the address supporting organization, okay, yeah. You form the number resource organization, the RIRs, submitted a proposal that you need a service level agreement with PTI, or Post-Transition IANA.

Could you tell me more about it? Have you been able to comment the service level agreement? Is it in effect?

LOUIS LEE:

The service level agreement just basically says that, with this contract that the RIRs have with PTI, and everybody knows by now who PTI is, right? Okay. And so, this is much better when I hold the mic better. So, the contract states how the RIRs and IANA should interact. So the SLA is really a way to measure how well that interaction is working.

So, a service level, IANA promises, or PTI promises to respond within some days, when a request first comes in, things like that. It's basic customer/vendor relationship when you have a service contract. So, but there is a SLA review team that's put up by the community, to ensure that between the RIRs, which is basically a registry/staff/secretariat function, and with IANA, make sure that interaction is still working well, and it's a way to check and make sure the community agrees that it is working well, and if it's not working well, what are the...?

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What's the next step? Whether you... You know, you asked them to do better, whether you trigger on a process that's a bit more extreme, like you know, check to see if anybody else can execute that contract better. Okay.

SIRANUSH VARDANYAN: We can have one more question, the last one, and for us to go to the next speaker.

LOUIS LEE: All right, make it good. Name please.

UNKNOWN SPEAKER: [Inaudible] from Fiji. Second time Fellow. My question is on IPv6 development. What do you think about the IPv6 development deployment in developing countries? This lack of IPv6 knowledge, especially in developing countries, in technical terms, and also all of the switches and [inaudible] devices. So, what do you think about that?

LOUIS LEE: Okay. So, in much the same way, IPv6 and IPv4 can be configured on a piece of equipment. You can almost think of it as just a bigger address, okay? However, the issue, a lot of times, is that older equipment may not support it, or you can

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upgrade it software wise to support IPv6. However, it doesn't have all doesn't have all the same features that you might expect with v4, or you might not be able to turn on all of the features that you're using at the same time.

So, this is kind of where you really need to test it in your own environment, and I can't tell you that I'm using all of the same features of a piece of equipment that you are. So, that's something where you need to investigate for each of your companies to make sure that it works the way you need it to.

Now, the good news is that in your normal cycle of upgrades, if you're able to replace the equipment, there is incremental improvements to where there is parity in the treatment of IPv4 and IPv6, so that all of the features that you expect in v4 is available in v6. You do get some performance improvement in that NAT is not really necessary anymore. You don't need to do your network address translation and take the hit on performance in doing so.

Now, I do realize that many people use NAT as a way of firewall, which is really not the right way to do it, because you can still have traffic coming in once that port is open for that specific device. So, regardless, you still need to have a firewall running. So in v6, it's even more important to have your firewall



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configured correctly, but it should be configured not that much different from your IPv4 firewall, okay?

So, the challenge could be for companies in developing countries, is that the refresh cycle for the equipment may not be as quick as in other regions. Or, as the refresh happens, they may be buying older equipment. So, that's definitely a challenge that the, we have to be conscious of, as we keep going with the v4, v6 deployment.

Another thing to consider is that, say, in the African region, if there is still IP addresses left for the next few months, it could be considered that there is less push to switch to v6 as long as you can still get v4 addresses. So, in that way, the African region, while they benefit by having still IPv4 addresses, they may be disadvantaged in v6 deployment rate. Okay?

SIRANUSH VARDANYAN: Thank you very much, Mr. Louis. And thank you for coming. A huge round of applause to you.

LOUIS LEE: Thank you, thank you everyone.

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**SIRANUSH VARDANYAN:** Thank you very much. And with great pleasure, I would like to introduce our next speaker, the chair of intellectual property constituency, IPC, [inaudible] Greg Shaton. And I'm also happy to see next to him, one of the amazing coaches for ICANN 57 and Fellowship family member Alexander [inaudible], a part of IPC outreach and engagement strategy team. So, welcome to our team.

And we would like you to talk a little bit about your constituency, how Fellows can be a part of it, how they can be involved. And we can have a bit of Q&A session, Fellows are asking really great questions, I think, so the floor is yours.

**GREG SHATON:** Thank you Siranush. And it's a pleasure to come and talk to the Fellows. I'm Greg Shaton. I'm the president of the intellectual property constituency. My day job, I'm in IP and tech transactions lawyer in private practice in New York, and also deal with trademarks and online brand protection, and any weird things that happen on the internet.

So, the intellectual property constituency is one of the constituencies of the GNSO. And like the other constituencies and stakeholder groups in the GNSO, our main job in ICANN is to help make policy for the gTLD space. Beyond that, the IPC generally represents the views and interests of intellectual

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property creators, owners, and distributors worldwide, as well as the interest of consumers, who are consumers of branded goods, and consumers of creative content and the like.

So, we have members, several different categories of members. We have organizational members, by which I mean, intellectual property organizations like [INTA?] or [Marks?] or [inaudible], or various different local, regional organizations from a number of different parts of the world, and some of them are international, INTA, International Trademark Association has members from nearly every country in the world, maybe every country.

So, they feed into us. And then we also have members who are corporate members, who are companies that have significant and primary intellectual property is a big part of what they do. And also law firms. And we also have individual members. The only real qualification is that you have a significant interest in the intellectual property protections, especially in how it relates to the DNS.

So, basically we have a number of different ways... You can go to our website, which is IP constituency dot org, and that will tell you a lot about us. In terms of memberships, we are working on a student membership, but anybody can, you know, look at the individual membership as a potential, as long as they have the basic qualifications for that.

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We meet monthly by phone, we meet at every ICANN meeting. We have a lot of activity in the working groups, I would say about 15 of our members are involved in each of the rights protection mechanism working groups, the subsequent rounds of new gTLDs working group, the next generation registry directory systems. The WHOIS replacement working group, and we also help in the various working groups that have nothing to do with policy, but with more with how ICANN runs, like the policy and implementation working group.

We have two counselors who sit on the GNSO Council. And the IPC is one of three constituencies that are in the commercial stakeholder group, which together represents the private sector, but in ICANN speak, the private sector is the commercial sector. The only part of the private sector we really don't represent are registries and registrars, they are in the contracted parties house, and you know, they have their own representatives.

So, that's quite different. As non-contracted parties, we're not part of the domain name industry. Sometimes, we think our job here is to keep the domain name industry honest. And to provide a counterpoint to those groups that would just like to see, you know, kind of the Wild West approach to selling domain names and running the DNS.

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But there are a wide variety of interest and viewpoints within the IPC. We have large brand owners, small brand owners, people from, you know, every continent, except Antarctica. And we have robust discussions both on our mailing list and in our monthly meetings, about, you know, a variety of intellectual property policy issues. Other than that, we also have some outreach to other groups, you know. We're beginning to get...

We were always involved with INTA, but we also are looking at having more outreach into other places. We're primarily an ICANN organization, so we're not going to show up as the IPC at IGF, for instance. So, we're really a creature of ICANN.

IPC has been around really since the beginning of ICANN. And is recognized that one of the issues that need to be dealt with in DNS planning and policy are intellectual property rights that need to be balanced with others. Primarily we deal with trademark rights, especially since trademarks and domain names are very closely intermingled than aligned.

Also, as you will note if you listened to things around here, issues relating to what's the content of websites, gets involved in a number of different ways, although ICANN itself does not regulate content, there are a variety of ways in which content issues can arise, whether it's in the UDRP context, that's the domain name resolution procedure, arbitration procedure. The

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UDRP was created at ICANN, and it's, it will be under review at ICANN in a working group next year.

There are several providers, including [WIPO], the World International Property Organization, Intellectual Property Organization that manage the process, but the policy is created here at ICANN. So, there are other rights protection mechanisms, and those are obviously kind of critical issues for our members. But, part of making policy is making consensus, so we engage in discussions on how to balance the rights that we're protecting, with the rights that other people are protecting, or looking at, and also how, the commercial realities and technical realities. So it's important for our group to not stay in a silo, but to be part of the, as you can say, the bottom up multistakeholder model, we're right in there with everyone else.

And the image is a little funny because I would say, it's more like everyone gets into the middle, in that middle ring, and just kind of wrestles with each other. I don't know why they're all upstanding up there, really, it's much too polite for the actual process, as I see it.

So, that's kind of a nutshell version of what IPC is, and maybe it would be good to take a few questions.

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SIRANUSH VARDANYAN: Yes, to see the first face of the constituency. So, any questions? Yes, one over there. Okay, let's go.

UNKNOWN SPEAKER: Hi. My name is [inaudible], first time Fellow. My question is, does the constituency engage in any capacity building exercises, or reaching out to people from less developed countries? Because there is also a serious lack of awareness about intellectual property rights and the consequences of not following the letter of the law.

GREG SHATON: Thank you, that's a great question. IPC has traditionally had too much of a concentration in members from North America and Western Europe. We've been doing better lately. We have, and not just because of this meeting, several new members from India, Africa is still underrepresented but we do have members there, Eastern Europe, elsewhere in Asia, Latin America.

But, I think we need to do more in that area. We actually just put the finishing touches before Hyderabad, on an outreach and engagement strategic plan, which is 10 pages long. And has some very detailed thoughts about the engagement to getting out into regions where we don't have enough, and also doing

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more, not just capacity building, but as you indicate, awareness and information building.

And it is, we want to work more, ICANN has regional community engagement staff, that we will engage with, will help us get down on the ground with people. So, that is part of it, and it's an ongoing challenge, because we're a relatively small organization. We have a relatively small budget, but ICANN, you know, is looking more and more at helping stakeholder groups engage.

ICANN is a constantly mutating organization, and I would say that one of the things that's consistently trying to get better at in the last few years, is supporting constituencies and getting out and talking to people, but it is a big challenge. Thanks.

SIRANUSH VARDANYAN:

And also, in addition to that, I would like just adding what Greg said, intellectual property constituency assigned Alexander to the community onboarding pilot project, to protect some document for newcomer, to get to know what is this, and get engaged if there is an interest.

It will be available probably by the next ICANN meeting. Thank you. The next one?



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UNKNOWN SPEAKER: I'm [inaudible] from Jordan. Second ICANN meeting, and first as a Fellow. In ICANN meeting 55, in Marrakech, I attended the IPC session, but as even I, an [inaudible] politics [inaudible], I confuse at that time of your [inaudible]. So I would like to move to NCC and another constituency.

It ended when I went to [Europe?] side, I would like to be [a member?] in your constituency. But I was wondering that there are four kind of categories, and if anyone wants to be a member in your constituency, he or she have to buy, to pay fees to be a member.

So, I think the students, IP students, and lawyers behind developing countries, will not be motivated to participate in your constituency, because these fees. So I prefer if you can create another category for students and for the people who cannot pay for the fees.

This is the first question. The second question...

GREG SHATON: Let me address that one first, and then I can hear the second one. And not have to think about the first question. That's actually, it's a very good point in our strategic plan, we've addressed that we will be establishing a student membership at either very low or no fee. We will also be making it clear that we

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have a waiver process for individual members who are not students, but for whom the fee, which in a city where a sandwich costs \$10 the fee is appropriate, but it may not be because it's obviously...

The world's economies are in different places so the measure may not be correct. So we do want to be more open to bringing in people, and we also want the Next Gen program to be able to feed into IPC as well, so without you know, the membership that's at a student level, and that's an affordable level, we're not going to be able to coordinate with Next Gen. So, that is very much, we have a whole section in our strategic plan, and we have a subcommittee that's going to be, you know, planning the details of how to not only have student membership, but also onboarding and engagement, IPC 101 so that you don't have to get confused.

And the worst kind of confusion is one that would bring, you know, put you in the NCUC instead of the IPC. So, we would certainly would not want that to happen. Although if you would like to be in the NCUC, there is nothing wrong with that. But if your interests are in robust protection of intellectual property, IPC is the place.

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UNKNOWN SPEAKER: One of your missions is engagement of IP [inaudible] and new constituency, so do you have [inaudible] or mailing lists that makes those people engage with you online? Without to pay fees, to be a member?

GREG SHATON: You know, that's a good question. We have a public mailing list, but it's only public in the sense that you can review the archive. It's not one where you can engage. And one of the things, again with a small volunteer organization, we don't really have a newsletter or anything like that, but the only thing we really have is a Twitter feed, which sometimes is more active than others. It's at IP constituency, and I've been very busy, and so the Twitter feed has not been very busy while we've been here, but I probably need to get a couple of more people to Tweet for us.

But I think it's actually a very good point. We need more outward facing material, we do need a newsletter. ICANN constituencies stakeholder groups often get to inward facing, to doing the business of ICANN, and don't get involved enough in outreach and capacity building, and awareness and education.

Sometimes we look to other organizations, IP organizations and the like, but really, we're intellectual property, and the DNS, and the internet collide, IPC is right there. And we really should be

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doing more, but until then, I encourage you to look at the Twitter feed.

UNKNOWN SPEAKER: Thank you.

UNKNOWN SPEAKER: Hi. [Inaudible] from Venezuela. I understood from your presentation that you deal with the whole ICANN, not the gTLDs. How do you use with the other with the ccTLDs? Because there is not [inaudible] relationship with ICANN, although all of the countries have numbers and names, and everything on.

I guess every country has protection or not of their legislation. And on that, do you have recommendations for the countries, not to maybe take down an entire website just because there is a violation of the users, or something like that?

GREG SHATON: Thanks. I'd say we have relatively little interaction with ccNSO, or with ccTLDs, since we, in terms of making policy, our function is limited to gTLDs. However, we do certainly more informally, you know, we'll speak to ccTLD operators, and may, you know, assist them, or give recommendations regarding potential DRP

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type procedures or other intellectual property rights protection mechanisms.

Over the years, many ccTLDs have adopted versions of the UDRP. I was dealing with one in Spain recently, and it starts out looking like the DRP, but it has its own quirks. On the other hand, dot DE has no rights protection mechanism at all, but the court system there is perhaps more affordable, according to my German contacts. It may not be, but the, you know, the whole relationship between ICANN and ccTLDs and ccNSO, is quite different because even the ccNSO doesn't really make policy for all ccTLDs, they make ICANN policy, but not really, you know, policy for each ccTLD.

And many, some ccTLDs have their own kind of community representation and stakeholder boards, and that way, IP community can get involved, but it's something that we're going to have be really delicate, because the ICANN community tries to impose too much of its philosophy on the ccTLD operators, they'll stop showing up.

UNKNOWN SPEAKER:

Hi. My name is [inaudible]. I have a question. In case a group or party is not satisfied with the settlement [inaudible] the UDRP, is it entitled [inaudible] code of law?

GREG SHATON:

Yes, there is actually an appeals process built into the UDRP, where the losing party can go to a court of competent jurisdiction. And actually, one of the interesting issues people have been dealing with here is protection for inter-governmental organization names, IGOs. The main sticking point with the IGOs feeling comfortable using the UDRP is that that may interfere with their sovereign immunity, because the one thing governments and inter-governmental organizations don't like to do is get sued in court, and they can rely on immunity.

But for the rest of us, whichever side we're on, you can, if you don't like it, you can go to court and appeal it, or you can use other court processes. It does not have precedential effect. So, if you lose a UDRP, you can go to court independent of the appeal mechanism. Thanks.

UNKNOWN SPEAKER:

Thank you. ICANN Fellow and NomCom two member. I have a general question. Please excuse if it's not something related to you, but I think it is. How does IPC look at the cases related to [inaudible] registered in domain names, which are subject to UDRP?

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And at times, get awarded to complainant due to various reasons, generate terms. Recent example is how dot com and how dot net... I do not have the exact case number, but yes, it was denied. But recently in the past, as law, generate terms have been awarded to the IP right holders, even though the domains were registered before the trademark terms were [inaudible], came into existence.

GREG SHATON:

There is a number of different points in there. First, trademarks come in different... There are different types of trademarks, but they are all equally valid. Some trademarks are fanciful terms, they're made up terms, they're Exxon, Xerox, all of the rest of terms are words, they may be names, they may be words that show up in the dictionary, but they're not generic terms once they become trademarks.

So, apple for apples is generic, Apple for computers is not generic. So, the idea that somehow dictionary terms can't be trademarked is just flat wrong. So, if you have a trademark, whether it's a term that's in the dictionary or something that you made up, you have an equally valid trademark, and if that trademark has been registered and used in bad faith in a, by a domain name registrant, then you have the grounds for an UDRP.

Now, there are times, whether it's a fanciful word or a generic word, when the domain name was registered before any trademark rights took place, and that's, I would not, there is no reason I think any really competent or skilled lawyer would bring those cases, but then again, the facts of any individual case may not be as clear as one thinks.

I find that in the... Some of the domain press, there is often what I call, man bites dog stories. They'll find, out of 1,000 UDRP cases, 600 are lost by the registrant by default. They don't even show up, usually because they know they have no case and there is no reason to even waste the money in defending a losing cost.

Of the remainder, the vast majority are still won by the trademark owner because the facts are support that. And in a number of cases, they lose because... And it's not... On a variety of different reasons that it was either used in bad faith, or they believe that the, there were other legitimate rights that were those of the domain name registrant, that...

Because if there are other legitimate rights, then it's not a bad faith use, so then the registrant will win, and only a very small number of cases are what you are referring to, which can be called first domain name hijacking, but that's basically, in any kind of system of disputes, there are going to be a number of, a



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certain number of cases that are brought, that are just badly decided, a bad decision to bring in the first place, whether it's suing over bad food, or a broken ankle, or trademark.

Sometimes when it's, it actually was your own fault that you broke your ankle.

UNKNOWN SPEAKER: I'm sorry, I have a follow-up question. [Inaudible] from [inaudible] Fellow. There are costs associated with the UDRP, of course, for both the complainer and respondent, it has been discussed a lot, of course, how do you see when there are legitimate interests and of course the right cases that get awarded, but something that's brought up and, of course, the right domain name were RDH, of course, [inaudible] domain name hijacking. Is awarded as well, are we under discussion at the IPC constituency to bring in some sort of, not [inaudible], but then maybe some sort of agreement where there is RDNS to bring in, to maybe save the costs for the respondent?

GREG SHATON: Cost based issues are really those of each provider. So [WIPO] or Forum or the other providers are the ones that make choices in terms of how they deal with costs. Now, overall, it's a much

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lower cost sort of process than going to court, so that's the idea is to make it a much more efficient process.

SIRANUSH VARDANYAN: You asked for question? No? Go.

TODD: Thanks. My name is Todd [inaudible] from South Africa. I'm a new Fellow within ICANN, and also wanted to understand [inaudible] does your portfolio look at content related IPs? Because [inaudible] that the internet, it's a public domain, not knowing when you [inaudible], when there are limitations that are put to... How do they input in terms of the users' rights to learn the rights to [inaudible] and use information online?

Do you think there is a criteria that has been set in order to determine that there is a violation in terms of a particular IP?  
Thanks.

GREG SHATON: Well, the internet is not... It's a place for public expression, and public knowledge, and learning, and information, but it's not a place for public theft. And content that's created is the blood, sweat, and tears of the content creator. So if I put out a music recording, and I've invested the time and money in recording it,

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and writing the music, and all of that, the way I make my money back is by selling the MP3s or whatever it is.

So, there is, it's just as big a problem offline as it is online, and there is no different law. It's not the Wild West. So, whether it's movies, or music, the copying of it is theft. So, there is no... This does not in any way stop the free exchange of ideas, it does not stop the free exchange of original expression. As a matter of fact, not allowing content creators to get paid for their work is a big way of stopping free expression, because they can no longer afford to express themselves.

So, you know, that said, there are limitations. There are various laws that allow for free use of certain materials, and certainly copyright holders or authors can decide to do a Creative Commons license. They can decide to do a copy left, they can do a public license, they are ways, if somebody who is a creator of content can deal with that by dedicating it to the public domain, but it's the creator's idea.

Now, at ICANN, we don't deal directly with... ICANN does not police content, but registries and registrars are not, are supposed to have processes for dealing with a variety, all varieties of abuse of the DNS, or of domain names that they've sold, and so they have terms of service, and if you violate their terms of service, whatever it may be, they have the right to

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terminate your service, and you know, content owners and others, whether it's pharmacy, child porn, how to make a bomb.

If a violation is noticed to a provider, a registry or registrar, they'll tend to take it down, and they should investigate and decide whether it's something that could be taken down. It's not just a matter of saying, I don't like that content, take it down. There needs to be an actual legal right, and there needs to be a proper, a valid complaint that shows enough information so that it could be, you know, properly investigated by the registrar.

So, there is a balance there. Thanks.

UNKNOWN SPEAKER: Thank you. [Inaudible], first time Fellow. I know ICANN is a multistakeholder approach to issues. I wanted to find out with the IP constituency, is that deeply rooted in that? And I also wanted to find out have you experienced some conflict of interest? And if you have, how did you solve that?

GREG SHATON: IPC is definitely devoted to the multistakeholder process, and the multistakeholder community. So, we have, you know, we participate in both the GNSO, where we are dealing with registries and registrars, and non-profits, and ISPs, and you

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know, working within that, and I personally have a very strong belief in the multistakeholder process, and not just doing your own work, but doing the one to make ICANN better.

In terms of conflicts, things were a lot simpler before the new gTLD program, because you're either one of the 22 registries, or a ccTLD registry, or you are a brand owner. Now we have brand owners... Amazon is a major brand owner, they're also a registry and a registrar, and they might be an ISP for all I know. They are also a business, so they're in the business constituency. So they can be almost everywhere, in fact, they are. So, what I look for, or we look for, is to make sure that when they're acting in the IPC, that they're acting kind of what their IP rights have.

And we have relatively few actual kind of conflict of interest problems, because it will be kind of a little bit too obvious, but that's certainly something we hope to look at, and you know, in ICANN, anybody who participates in a working group, and nearly all of our active members participate in working groups, has to file a statement of interest with ICANN which exposes your interests are.

And since we are a stakeholder group, everyone has a stake which means they have an interest, it's just a question of whether the interest is not what it appears to be. We really haven't had any really difficult situations, but it is important to

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keep in mind. We do have one role, which is you can only vote in one stakeholder group or constituency.

So, for instance, while Amazon is a member of the IPC, they no longer vote in the IPC because they vote in the registry stakeholder group. In terms of voting, that's the way we avoid some of that. We've got a couple, I think we've got three hands.

SIRANUSH VARDANYAN: We'll take three more questions, and then we'll close the queue.

UNKNOWN SPEAKER: This is a two part question. The one thing is, yeah... [Inaudible] first time Fellow. The question is, if there are domain for internet, the person complaining need to be, can be anonymous or not? That's the first part, as for ICANN policy.

GREG SHATON: If you're bringing an UDRP case, you actually have to be, you can't be anonymous.

UNKNOWN SPEAKER: Okay. This is because [inaudible].

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GREG SHATON: It doesn't relate to the DMCA. The DMCA is a copyright take down...

UNKNOWN SPEAKER: Yeah, but ICANN is under the DMCA, right?

GREG SHATON: The DMCA is a U.S. law, and it really has nothing to do with ICANN.

UNKNOWN SPEAKER: Even for the infringement [inaudible]?

GREG SHATON: The only rights protection mechanisms that ICANN is involved in are the UDRP, and then URS, which is the Uniformed Rapid Suspension, which is a quicker take down mechanism only available in the new gTLDs, only results in a suspension of the domain. And those are really the only call kind of curative rights, or complaining processes that ICANN is involved in.

Everything else...

UNKNOWN SPEAKER: But no country jurisdiction is applicable on top of this? Or just, that's the point...

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GREG SHATON: Other... There can always be a possibility of a complaint under another law, so if I'm in the US, I can make a decision to not do a UDRP, and I can actually sue under federal law what's called the Anti-Cybersquatting Protection Act, which is part of the trademark law, and I could just sue a domain name registrant in court.

The test is a little bit different, but the costs are so much higher that, unless you really want to go to court for a particular reason, you tend to use the UDRP. I could go after some of the other local laws... Whatever laws would apply to the jurisdiction of the domain registrant and possibly of the registrar, will govern as well, but the UDRP is intended to be a kind of... The U is for universal.

So, it's kind without any regard to a particular law.

SIRANUSH VARDANYAN: Fadi please.

FADI: Hi. Over here. Fadi [inaudible], I'm also a first time Fellow. A couple of quick questions. Have you dealt so far with the growth of international domain names in local different languages



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around the world, have you dealt with cases of [inaudible] of brand names in local, like I can write Apple in Arabic, and have a domain name, but use it for computer, which is not computer in English.

And the other one is, how do you ensure, in terms of mechanisms within the IPC, that the balance of power between those that are powerful industries that can be, have access to [inaudible] resources, financials, better lawyers, versus the small community of intellectual property owners. Thanks.

GREG SHATON:

Well, to answer the first question, the IDNs and IDN strings are really very early, so I think some of our individual... We have no particular policies that relate to that that's any different than the UDRP. And I think some of our individual members have brought UDRP cases involving IDN strings. And it will be interesting to see how the panelists deal with that, but you know, the panelists tend to apply either the law of their jurisdiction or kind of trademark laws relatively is covered by a number of treaties, so it's relatively is well harmonized, the basic concept.

So it varies significantly from country to country in a lot of the details. So, we'll see how they deal with it, but that's really not a policy question, but if there are issues when we review the UDRP

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and the RPM, rights protection mechanism working group, we may look at whether the rules need to take into account internationalized domain names, and if they're causing any issues. And we'll be looking at that time.

On the second question in terms of balance of power within the IPC, I would say actually the interests of large trademark owners and small trademark owners, are identical. Or really aligned. And so, in a sense, the larger ones kind of protect the smaller ones to the extent that they're spending more money on this. So, and I think that the other thing is that there is a bit of an idea that we have, you know, that the IPC has massive, bottomless pits of money and is filled with lobbyists.

It's really not true, and if it is, they haven't told me where the money is.

SIRANUSH VARDANYAN: [Inaudible] the last one, and [inaudible], and we'll, and there is no more questions for today.

UNKNOWN SPEAKER: [Inaudible] for the record. Can you please tell us the cause behind the difference between the fees of the membership categories?

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GREG SHATON: Which fees?

UNKNOWN SPEAKER: The membership fees.

GREG SHATON: Oh. Well, the idea is that a large international organizations pay by far the largest fees. Then we have state and local intellectual property organizations, they pay smaller fees, but still, substantial. Then you know, corporations and law firms, which as a whole organization can afford some more substantial fee pay, but still quite a bit less than the multi-organizations that have thousands of members, and then for the individual members, you know, the fee is the lowest.

And these fees haven't really increased much in the last five, six years, and I think relative to what some of the other organizations charge, it's relatively low. But again, as we discussed before, we do have a waiver program in place, which we should publicize more, and we will, you know, should think about how to make IPC more accessible for those where the kind of economic difference between value of a dollar is significant, and causes those fees to be more significant for an applicant than it might be for someone from London or Paris.

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And we do need more diversity, and that's definitely one of the challenges is look at this. And the same time, we have to fund the organization. And among the things we do is for active... In addition to any funding that ICANN might offer IPC itself will offer funding for three or four of its members to come to an ICANN meeting. And that often helps members who can't even get to an ICANN meeting, to get there.

So, that is part of where the money goes.

UNKNOWN SPEAKER:

This is [inaudible] for the record. Yeah. So, my question is based on geographic names, which has been a huge issue right now within ICANN and for the past years. So, I know that the IPC is doing some work on the working group about geographic names, and the GAC is [inaudible] also as some kind of list that is going to develop in order to avoid the whole dot company thing, situation that was going on over the last years.

And also that ICANN is going through huge changes that will probably change the way that the dot Amazon [inaudible] was through a Board decision make in process, or something like that, because they decide to [inaudible] by themselves. So, my question goes to, which kind of actions, or which kind of policy you see IPC developing in order to avoid this kind of problems with further trademarks, and geographic names, situations

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going on due to the new gTLDs going all around that will be open sometime from here?

GREG SHATON;

This is one of the most complex policy issues that we've dealt with. And we dealt with... Originally, in the applicant guidebook, there were certain geographic names that were protected, not reserved completely, but if you wanted, for instance, dot Berlin, you couldn't just apply for it, you had to go to the city of Berlin and have, get their support.

Same thing with countries, but the, where the issue for IPC is involved is, there are legitimate trademark rights in legitimate trademarks, which also happen to be geographic names. And under the law, the rights, the legal rights in geographic names are actually quite limited.

The balancing of the various different concerns is going to be quite complicated, but there have been some unfortunate examples. For instance, right here in India, one of the largest companies is [Ta-Ta]. [Ta-Ta] is all over the place.

However, [Ta-Ta] applied for dot [Ta-Ta]. There is a small province in Morocco, maybe 50,000 people, that province is called [Ta-Ta]. Because of the [Ta-Ta] province, [Ta-Ta] has been

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unable to get dot [Ta-Ta], it's been blocked for a long period of time.

Another example, somebody wanted to start dot spa. That's not even a trademark issue. They wanted to have a top level domain where people operate spas and various, you know, kind of health relaxation type facilities. You can get a mani-pedi or a massage. And have a TLD for them.

Well, there is a city in Belgium called Spa. And the Belgians were... It took a long time to work that one out as well, and I think some money was involved. So, you know, the easy answer would be that there are no legal rights in geographic names, and but that's obviously a very one-sided answer.

The answer is that, the real answer is that in a place where you build consensus policy, you need to find a way to balance legitimate rights, and legitimate concerns, and have a way to work these things out. Now, there was, or is, a cross community working group between the ccNSO and the GNSO on country and territory names.

Their work ended at this meeting, in part because they realized that there needed to be another forum for discussing this that would involve all of the interested parties in geographic names, you know, including the GAC, and other representatives and a more broad consideration. So, this is one of these things were

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depending on who you asked, and how many beers you've had you'll get a very, very different answer, if you were to ask someone from Amazon, they'll have one answer about what's right.

And you ask someone from Argentina, they'll have a very different answer about what's right. And so far, there is no truly satisfactory answer, but to my mind, one of the things that ICANN tries not to, really shouldn't be doing is creating rights that don't exist. So the rights need to be grounded in the rule of law.

And so we need to consider what the legal rights, what legal rights there really are. And so, there are certain types of rights in certain geographic names, and indicators, and other cases, there aren't. And so the idea that because there is a street called Broadway in New York I can't get dot Broadway for my very successful clothing company called Broadway, you know, to my mind, quite a disturbing thing, and thankfully that's not the way it works.

So, this is... If you want to pick this or IGO, INGO, curative rights, or... One of the fun things here is, there is almost an infinite number of things to have disagreements about, and somehow we manage to come to some level of agreement about them

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eventually. Sometimes it takes two, or three, or four years, but eventually it happens.

SIRANUSH VARDANYAN: Thank you very much Greg. We intended you keep less than it happens, but thank you for your time. And round of applause for Greg. So, I just would like to thank our interpreters for staying so late, and our technical people for their huge support.

The meeting is adjourned for today. Now, you are all welcome to go to the hotel on, for the cocktail party. And don't forget at 8:15, the last busses are leaving this venue. Thank you very much, see you tomorrow.

**[END OF TRANSCRIPTION]**