

ICANN 63 Recap: ICANN Turns 20



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AGENDA

- ICANN 63: Barcelona Quick Facts
- GDPR and WHOIS Updates
 - ICANN's ePDP on the Temporary Specification for new gTLD Registration Data
 - Sharing data on post-GDPR Impacts
 - Discussion of the Unified Access Model
- Working Group Updates
 - Progress on Subsequent Procedures Working Groups
 - RPMs
 - .BRAND efforts
- Other Major Topics of Interest
- How to Get Involved
- Q & A

MarkMonitor's Presence at ICANN Meetings

MarkMonitor attends and actively participates in each ICANN meeting in order to provide added value to our clients and partners in following ways:

- **ADVOCATE** - on behalf of our clients' intellectual property rights as well as to encourage policies that enhance consumer trust and safety on the Internet
- **PARTICIPATE** - in ICANN's policy development process working groups and constituency meetings
- **DEVELOP RELATIONSHIPS** - with ICANN senior officials, strategic partners (e.g. ccTLD and gTLD registries), supporting organization and advisory committee leadership, governments, and law enforcement that can be leveraged for the benefit of our clients



ICANN 63 – Quick Facts and Figures

October 20-26th – Barcelona, Spain



ICANN Annual General Meeting:

- Seven-day meeting format
- Full meeting schedule including general information sessions, policy meetings, constituency and stakeholder group meetings, community outreach, inter-community working groups, and two public forums
- Approximately 2,800 people in attendance

Sessions with highest attendance, participation and interest:

- GDPR: ePDP on the Temporary Specification for Registration Data
- Replenishment of ICANN's Reserve Fund
- Subsequent Procedures Working Group Updates
- GAC Sessions related to GDPR and Geographic Names

GDPR and WHOIS

Current Status and Impacts

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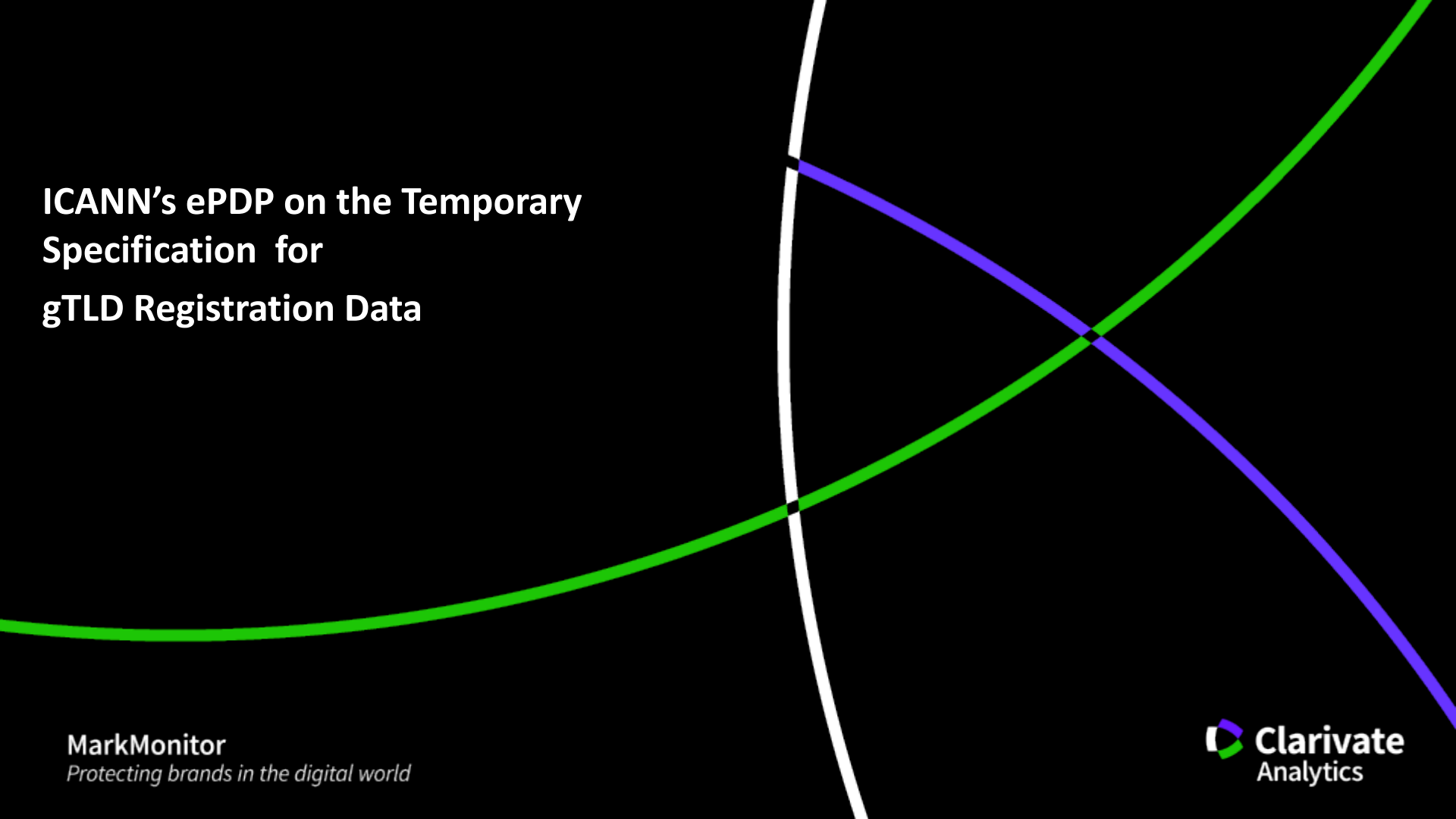
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GDPR and WHOIS – The Current Status

- GDPR became **effective** on May 25, 2018.
- Contemporaneously, ICANN issued a “**Temporary Specification for Registrant Data**”; enforceable on its accredited registrars and registries
- As a result, **registrant data** including name, email address, physical address and phone number masked and **no longer publicly available** in WHOIS.
- WHOIS becomes a **fragmented patchwork of different forms**, processes and outputs depending upon the registrar or registry
- Third parties, including cybersecurity experts and brand protection companies begin sharing data on the **impacts of GDPR and redacted WHOIS**.
- ICANN has proposed a **Unified Access Model** for accessing non-public WHOIS data
- **Expedited Policy Development Process (ePDP)** for the Temporary Specification has commenced





ICANN's ePDP on the Temporary Specification for gTLD Registration Data

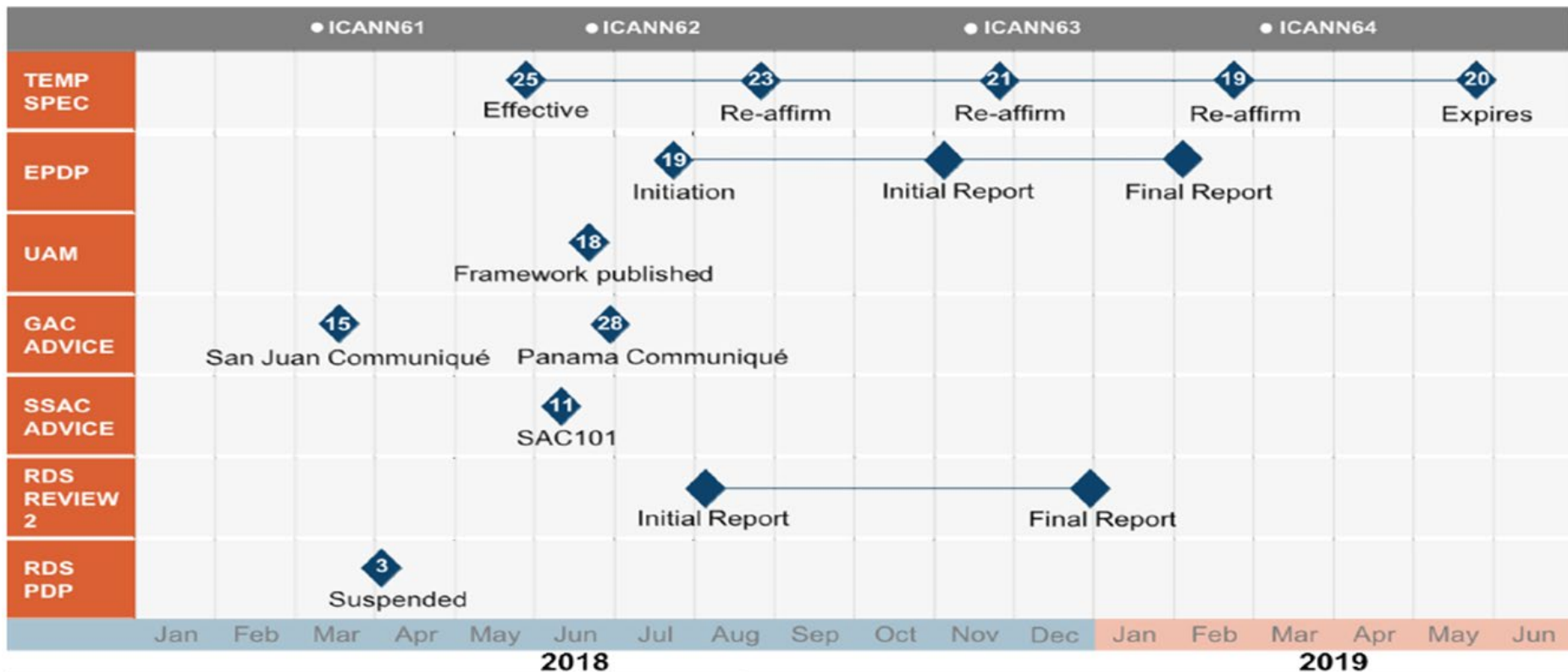
EPDP: Expedited Policy Development Process

Overview

- ICANN's policy-making body is the GNSO, consisting of RrSG, RySG, CSG, and NCSG
- GNSO must develop consensus policy to replace the Temporary Specification before it expires.
- Normal Policy Development Processes (PDPs) take years. ICANN governance model allows for EPDPs in cases like this, and this will be the first one ever.

Status Update

- EPDP team has agreed on “purposes” for data processing, ranging from registrant protection, to facilitating third-party access for consumer and IP protection
- First conversations about Implementation Review Team (IRT) included an ICANN board member noting that there is no “EIRT”
- “Reasonable access” in Temporary Specification vs. “standardized access” in EPDP charter



Temp Spec: Temporary Specification for gTLD Registration Data
EPDP: Temp Spec Expedited Policy Development Process
UAM: Unified Access Model
GAC Advice: Governmental Advisory Committee Advice

SSAC Advice: Security Stability Advisory Committee Advice
RDS Review 2: Registration Directory Services Review 2
RDS PDP: gTLD Registration Directory Services Policy Development Process

GDPR Compliance – A Work in Progress

ICANN's "Unified Access Model"

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ICANN's Unified Access Model (UAM)

- On June 18, ICANN published an initial framework for an **unified access model** by which accredited third parties, having a legitimate interest, would be granted access to non-public registrant contact information that was formerly published in WHOIS.
- The ICANN Community provided comments and suggestions on the framework after which, on August 20, **ICANN published a revised framework** which contained more substance on the model.
- The UAM would have five important elements: 1) A **definition of the groups eligible** to receive access to the registrant data; 2) A method and **process for authenticating** such groups; 3) **Identification of the body or bodies** that would provide the registration data after authentication; 4) A determination of the **scope of the registration data** disclosed; and 5) A list of **safeguards** that would be implemented to protect the data from misuse or unauthorized disclosure.
- Before ICANN 63, ICANN signaled a willingness to explore the possibility of becoming the **central repository for the WHOIS data**, thereby potentially becoming the data controller and reducing risk to registrars and registries.
- Registrars, registries, IP protection advocates and cybersecurity groups all generally support notion of ICANN assuming liability under a **“hub and spoke”** model of unified access.

Working Group Updates

Key Updates on Policymaking Progress at ICANN

Review of Rights Protection Mechanisms (RPMs)

Overview

- Working Group Phase 1 is evaluating existing RPMs, including TMCH, Sunrise phase, and URS

Status and Key Updates

- Already evaluated Sunrise Claims (including TMCH), March – August 2017
- Currently reviewing the URS, September 2017 – Present
- Working Group reviewed many proposals for suggestions to be included in the Initial Report

Next Steps

- Initial Report target date is end of March 2019
- Working Group members will provide feedback via public comment
- Phase 2: UDRP

- Note: MarkMonitor will host a November 6 [webinar](#) on Rights Protection Mechanisms in New gTLDs, with guest co-host Doug Isenberg of The GigaLaw Firm

Subsequent Procedures Working Group: “Round 2” of the New gTLD Program

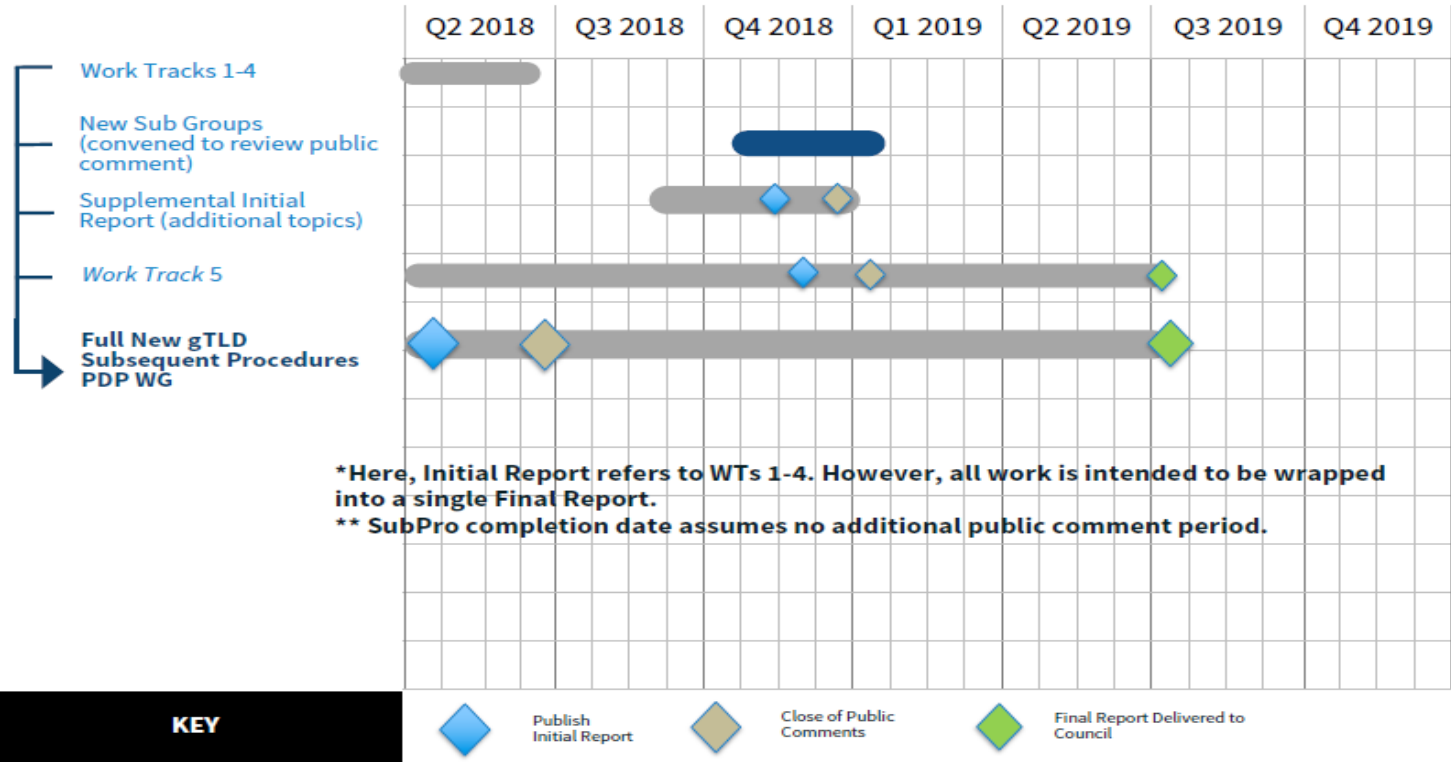
Overview

- “Determine what, if any, changes may need to be made to the *Introduction of New Generic Top-Level Domains* policy recommendations from 8 August 2007.”
- 40+ distinct topics broken into five Work Tracks; #1-4 below, and #5 following

Status and Key Updates

- Work Track 1: Guidebook, fees, application process, ICANN systems
- Work Track 2: Legal/regulatory, base agreement, contractual compliance, closed generics
- Work Track 3: Objections, disputes, and contentions, ICANN accountability
- Work Track 4: IDNs, technical and operational considerations, name collision, security & stability
- WG discussed remaining dependencies, and if/how to advance now while pending
- WG discussed what ICANN org can do to prepare in the absence of final policy
- Sub Groups A,B,C formed to review Initial Report comments, extrapolate trends, and provide advice to full WG based on Initial Report and comments provided

Subsequent Procedures Working Group: “Round 2” of the New gTLD Program



“Work Track 5”: Geographic Names At the Top Level

Overview

- Availability of geographic names at the top level (e.g. “lobster.**boston**” “wine.**italy**”)

Status and Key Updates

- Initial support showing for continued reservation of country/territory names (ISO 3166-1), and continued requirement of consent/non-objection letter from gov for capital city names
- All options on the table for ISO 3166-1 alpha-3 strings (e.g. “.usa”), including how these strings should be treated (i.e. as ccTLD/gTLD)
- Discussion around non-capital city names, with “intended use” as a hot topic of discussion

Next Steps

- Initial Report publication goal is now end of November 2018 (was August 2018)
- Final Report Q3 2019

.Brand Updates from Barcelona

Overview

- MarkMonitor is a member of the [Brand Registry Group](#) and contributes to ongoing planning and strategy related to the .brand ecosystem
- BRG sponsored a [Brands & Domains](#) event in Barcelona

Status and Key Updates

- Key lessons learned over 5 years of dotBrands
- HSTS preloading: ensuring security across your entire TLD
- Launch strategy and deployment
- Getting to the next round

Other Major Topics of Interest

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Notable Announcements and Activities

- ICANN Board passes resolution directing ICANN’s President and CEO to remove the “Do Not Proceed” classification on Amazon’s application for .AMAZON triggering resumption of application processing and signaling possible resolution of the issue.
- ICANN announced proposals to replenish its depleted Reserve Fund. Funds are approved for transfer from the Operations Fund. Community discusses possible use of auction proceeds to replenish funds
- While the next round of new gTLD applications remains years away, many in the community push ICANN to consider a the next round in phases, beginning with .BRANDS, then .GEOs and finally new generic TLDS.
- Attendees also presenting innovative uses of domains and the DNS, e.g. blockchain, geolocation identification, data protection and cybersecurity methods.
- ICANN Board defers “thick WHOIS” implementation for Verisign’s .COM and .NET.

How Clients Can Get Involved

ICANN Business Constituency

<http://www.bizconst.org>

Intellectual Property Constituency

<http://www.ipconstituency.org/>

Brand Registry Group

<http://brandregistrygroup.org/>

Domain Name Association

<https://www.thedna.community/>

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Next Meeting

ICANN 64 – Community Forum
Kobe, Japan
March 9-14, 2019

Questions?

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Thank You!

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