



SUBJECT: ICANN Mexico City public meeting in Review

AUTHOR: Johnathan Cohen, CET 1
PURPOSE For Information

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EXECUTIVE SUMMARY

On March 1, 2009 the 34th ICANN Public Meeting opened in Mexico City, Mexico. This paper is as summary of the contents of the meeting.

The hot button issues in Mexico City included, GNSO reform, and the implementation of new gTLDs. A major event was the ICANN Board asking the IPC, in consultation in ICANN Staff, to convene an “implementation recommendation team” to propose solutions to issues of trade-marks protection in connection with the introduction of new gTLDs.

The meeting in Mexico City has subsequently been lauded as one of the busiest and most productive meetings in the last 5-6 years.

ICANN MEXICO CITY PUBLIC MEETING IN REVIEW

March 2009

MEETING HELD MARCH 1-6, 2009

PREPARED BY JONATHAN COHEN**
jcohen@shapirocohen.com



Table of Contents:

| | |
|----------------------------|---|
| 1. Introduction..... | 1 |
| 2. IDNs | 2 |
| 3. IPv6 | 2 |
| 4. New gTLDs | 3 |
| 5. GNSO Improvements | 4 |

1. Introduction

This is the continuation of the ongoing commentary of the activities and decisions being made at ICANN Public Meetings that are of interest to FICPI.

For further background information and information on other issues that were topics at past Public Meetings, the author suggests a review of the previous ICANN Public Meeting in Review commentaries.

This commentary is compiled from Jonathan Cohen's attendance at ICANN meetings; online or telephone meetings of the IPC; ICANN announcements and documents from the ICANN website; and ICANN MEDIA CLIPS.

On March 1, 2009 the 34th ICANN Public Meeting opened in Mexico City, Mexico.

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** **JONATHAN COHEN**, Barrister and Solicitor, is the Special Reporter: Domain Names for CET-FICPI and is a former Director of ICANN and CIRA. He currently serves as a member of the IPC, on the Board Governance Committee's working group on reviewing ICANN's NomCom, and on the Implementation Recommendation Team formed after the Mexico City meeting to consider IP concerns and the introduction of new gTLDs.

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2. IDNs

Everything that connects to the Internet has a protocol number. Because it is hard for people to remember the long string of numbers that make up such protocols, domain names are given to systems connected to the Internet. Domain Names are usually words or phrases that can be easily remembered and typed into your Web Browser.

Up until now, all top-level domain names appear and function using the American Standard Code for Information Interchange ASCII set of characters based on the English alphabet. Given the international nature of the Internet, and the diversity of its users, English as the only operational language of the Internet is becoming substandard for most. The idea is to allow non-ASCII characters to make up domain names at all levels.

Drafting the implementation plan for the IDN ccTLD Fast Track Process continues. The ICANN Board anticipated that the implementation will be finalized and considered no later than ICANN's annual meeting in 2009.

During the Mexico City meeting the ICANN Board discussed the importance of the timing with respect to implementation of IDNs and the introduction of new gTLD. The sentiment is that they should be introduced as close together as possible. The Board resolved to discuss the issue of timing further at their meeting during the next ICANN Public Meeting in Sydney.

3. IPv6

Currently, the Internet functions on Internet Protocol version 4 (IPv4). Without getting complicated, the Internet functions using the "protocols" to send "data" through a packet switched inter-network. Translation: everything that connects to the Internet needs to have a unique identifier so that one machine can find the correct other(s) and communicate with it over the Net. Currently there are just over 4 billion IPv4 addresses.

IPv4 has been serving Internet users for close to twenty years and is getting tired, and running out of available numbers as more and more industrial and household hardware is connecting to the Internet.

IPv6 is able to support 2^{128} (about 3.4×10^{38}) addresses (i.e. 340 trillion trillion trillion internet protocol addresses), or approximately 5×10^{28} addresses for each of the roughly 6.5 billion people alive today. That's 50,000,000,000,000,000,000,000,000,000, or 50 octillion per person, or 50 billion billion billion per person alive today.

There will be no more fear that we will run out of addresses. There will be no IPv8 in this millennium or probably any other.

During the meeting in Mexico, the ICANN Board acknowledged that IPv4 is really on its last legs, and that a decision needed to be made about how the remaining IPv4 addresses would be allocated. It is anticipated that the 17 million IPv4 addresses that remain will be depleted by 2010, maybe 2011; therefore, the Board decided that these remaining addresses should be distributed equally among the five Regional Internet Registries.

4. New gTLDs

In the 1980s there were only seven generic Top Level Domains (gTLDs): .com; .net; .org; .edu; .int; .mil and .gov.

.Com, .Net and .org were the only open gTLDs, meaning while they might have been intended for commercial entities, institutions, and not-for-profits, respectively, they were not restricted in the same way as the other four. To obtain a registration under .edu; .int; .mil and .gov where restricted to relevant groups or institutions for limited purposes. You needed to meet the strict requirements of each and show you were one of the relevant group or institutions “belonging” in that TLD.

In 2000, 7 new gTLDs were approved and introduced in 2001 and 2002, namely .biz, .info, .name, .pro, .aero, .coop, and .museum. Of these 7, .aero, .coop, and .museum are “sponsored” gTLDs, meaning that potential registrants must be part of a certain industry or area of operation; for example, only museums can register a domain name for the gTLD .museum.

Currently, there are 22 gTLDs under ICANN control.

Through the process of developing new gTLDs, ICANN has learned that there is a need for better-defined standards so that all those proposed new gTLDs that meet the standards could be eligible for development and implementation.

Prior to the Cairo meeting, ICANN Staff released a Draft Applicant’s Guidebook relating to new gTLDs. The Guidebook is currently posted for public comment.

The Draft Applicant’s Guidebook can be found at: <http://www.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf>

While still in its draft form, the Draft Applicant Guidebook includes details about the proposed gTLD application process; the application evaluation procedures; the dispute resolution procedures; string contention; and transition to delegation. While the Guidebook is quite extensive, it leaves some aspects unaddressed, including: how long particular stages of the application procedure will last; what 3rd party service providers will participate in dispute resolution; and, fees in addition to the base filing fee. These aspects will be addressed by ICANN in the near future and be posted for public comment.

ICANN has compiled the public comments made to this first draft, and can be reviewed at: <http://www.icann.org/en/topics/new-gtlds/agv1-analysis-public-comments-18feb09-en.pdf>.

On February 18, 2009 a second version of the Draft Applicant Guidebook was released, and can be reviewed at: <http://www.icann.org/en/topics/new-gtlds/draft-rfp-clean-18feb09-en.pdf>.

According to the President of ICANN, the Guidebook reflects ICANN’s awareness of the concerns of rights holders. Therefore, the guidelines (may) dictate that new gTLD applicant describe their proposed rights protection mechanisms as part of the overall application process (the new implementation recommendation team of the IPC will consider this).

At the Mexico City meeting, the Board clearly and specifically acknowledged it is important the concerns of trade-mark rights holders are satisfactorily addressed before the application process for new gTLDs is opened. This is an IPC “breakthrough”.

The Board's open attitude to the concerns of rights holders is a result of public comment submissions received in relation of the Draft Applicant's Guidebook. The Board accepted the "experts" (i.e. the IPC's) proposal to synthesize the public comments received and from these comments, and with input from the broader community, propose solutions to ICANN Staff on the concerns.

The Board requested the IPC to, in consultation with ICANN Staff, to convene an "implementation recommendation team" comprised of an "internationally diverse group of persons with knowledge, expertise, and experience in the fields of trade-mark, consumer protection, or competition law, and the interplay of trade-marks and the domain name system to develop and propose solutions to the overarching issues of trade-mark protection in connection with the introduction of new gTLDs."

The Board further directed the following, (1) "ICANN Staff to provide a dedicated staff person and additional staff resources as staff determines, to facilitate the work of the implementation recommendation team", and (2) "reasonable travel support be provided to up to 15 members of the recommendation team for the purpose of conducting two face-to-face meetings in hub cities".

The Board set a very aggressive timeline; it would like the implementation recommendation team to distribute its draft report by April 24, 2009, and would like the final report by May 24, 2009 for consideration at the meeting in Sydney.

Since the Board's resolution the IPC has been working diligently. The IPC has been putting together its proposed list of internationally diverse group of persons with knowledge, expertise, and experience in the fields of trade-mark, consumer protection, or competition law.

On March 20, 2009 the author was invited by the IPC to join the implementation recommendation team, and accepted the invitation with thanks.

The first face-to-face meeting of the implementation recommendation team will be in Washington DC on April 1-2, 2009.

5. GNSO Improvements

Discussions regarding GNSO Improvement continued at the Public Meeting in **Cairo**. At the meeting participants acknowledged that the improvements suggested and being implemented are the result of two years of hard work on the part of the ICANN Board and community at large. Participants reflected upon the disagreement and opposition to some of the recommendations for improvement, especially from the Business Constituency, the Intellectual Property Constituency, and the ISP Constituency.

Only two major issues remain outstanding with respect to the restructuring of the GNSO Council: (1) the election of the two Board members from the GNSO, and how the election would occur, and (2) the role of users / individual users in the GNSO.

With respect to the issue regarding the role of users / individual users in the GNSO, the ICANN Board passed a resolution on December 11, 2008 and released December 18, 2008 stating requesting that GNSO community members work with members of the ALAC/At-Large community and representative of the potential new non-commercial constituencies to develop together recommendations for the composition and organizational structure of a Non-Commercial Stakeholder Group that does not duplicate the

The Board has requested that the first plan outlining the details of how the transition to the new structure will occur for the new Council and the Stakeholder Groups be available by the end of 2008.

In response to the upcoming transition, the IPC created the “IPC Future” Group to help the IPC carve out its place in the new structure of the GNSO. The author is a member of this group. The group has held one teleconference since the meeting in **Cairo**. Members of the Group are participating in other working groups liaised with the GNSO Council, namely the Process Steering Group and the Operations Steering Committee. Their attendance and participation at these meetings is to ensure that IPC interest are being protected and that the IPC maintain as strong a voice as possible in the new structure.

Also in October, existing constituencies, including the IPC, were asked by the ICANN Board to renew or submit confirmations to the ICANN Board by February 2009. An “IPC Recertification” Task Force was created within the IPC Future Team to work on the IPC recertification report. The report will provide an overview of how the IPC functions, its practices, how it fulfills its Charter obligations, and how it complies with ICANN bylaws. The author, who was consulted by the Task Force, recommended that the Recertification Report make it clear that the IPC is a real force with solid connections and the backing of 1000 IP professionals in over 100 countries.

During the Mexico City meeting, the work teams covering the different aspects of GNSO improvements continued, and will continue, to move forward.

The ICANN Board discussed that it received reports from 6 constituencies, including the IPC as mentioned above, confirming their status. The ICANN Staff will now analyse the submissions and propose changes the Board may want to ask the constituencies to make. The Board will give the constituencies a chance to follow up in relation to the recommendations, and will ultimately give the constituencies until June 2009 to implement the recommended changes.

It is interesting to note, that new constituencies have come forward as well, including a Cyber Safety Constituency and a Consumers Constituency. It remains to be seen whether they will be approved.

The ultimate question is how the new bifurcated Council House of the GNSO will work and what will the new role and influence of the IPC be in this new political environment. This last question may take a lot of work and 18-24 months to work out as Reviews of systems and arms of ICANN may now be changed to 5-year reviews from 3 years as that is just too soon. In addition, until there have been final decisions about the Council and the Board structures and then the Nominating Committee is amended accordingly (all piled up waiting one upon the other for decisions) it is not really possible to address these questions practically. It will be 2010 before we have answers and then the hard work and politicking will begin in earnest.