



GNSO Council Open Meeting

7 December 2010



CARTAGENA

no. 39 5 - 10 December 2010



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1. Administrative Matters

- a. Roll call of Council members, noting alternates and proxies (Glen)
- b. Polling for Disclosures of Interest
- c. Update any statements of interest
- d. Review/amend agenda
- e. Note the status of minutes for the previous Council meeting per the GNSO Operating Procedures

2. GNSO Project Decision Making

- a. Overview of weekend working session (Olga Cavalli)
- b. Next steps

3. Elections of Council Chair & Vice Chairs

- a. Results of vice chair elections by houses (Glen de Saint Géry)
- b. Chair election
- c. Assignment of Nominating Committee Appointees (NCAs)
- d. Election procedures

4. New gTLD Applicant Guidebook

- a. Joint Applicant Support Working Group (JAS WG)
- b. Vertical Integration Policy Development Working Group (VI PDP WG)
- c. Recommendation 6 Community Working Group (Rec6 CWG) Report



GNSO Council CWG Rec6 Report

Margie Milam

8 December 2010



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Overview of CWG Task

Rec6 states that:

Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.

CWG did not revisit Rec6. Instead, it developed implementation guidelines to address GAC, GNSO and ALAC concerns

Highlights of CWG Report

- Consensus - the implementation model for Rec6 is flawed
- Report describes recommendations, with various levels of consensus, to improve the implementation of Rec6

The Rec6 CWG Report:

<http://gnso.icann.org/issues/new-gtlds/report-rec6-cwg-21sep10-en.pdf>

Proposed Final Applicant Guidebook

- Includes some, but not all, CWG Recommendations
- Some recommendations viewed as inconsistent with:
 - ❖ GNSO Council New gTLD Guideline H that states:
“[e]xternal dispute resolution providers will give decisions on objections.”
 - ❖ Board Resolution- Role of the Board
 - ❖ Existing Processes
- Consultation underway with CWG to identify additional CWG Recommendations to adopt
- Issue: Do the CWG Recommendations have the support of the participating SO/ACs?

Questions

For More Information

The Rec6 CWG Report:

<http://gns0.icann.org/issues/new-gtlds/report-rec6-cwg-21sep10-en.pdf>

Explanatory Memo from Proposed Final Guidebook:

<http://www.icann.org/en/topics/new-gtlds/explanatory-memo-morality-public-order-12nov10-en.pdf>

Module 3 of the Proposed Final Guidebook:

<http://www.icann.org/en/topics/new-gtlds/draft-dispute-resolution-procedures-clean-12nov10-en.pdf>

Thank You



5. Joint IDN Working Group (JIG) Recommendations

- a. Refer to JIG working space
- b. JIG WG Status Report (Edmon Chung)
- c. Next steps
- d. Discussion

6. Final Report on Proposals for Improvements to the RAA

- a. Refer to public comment site posted on 22 November with comments due by 21 January: Proposed Changes to Enhance ICANN's Registrar Accreditation Evaluation Process
- b. Overview (Margie Milam)
- c. Refer to motion



Improvements to the RAA GNSO Council Meeting

Margie Milam

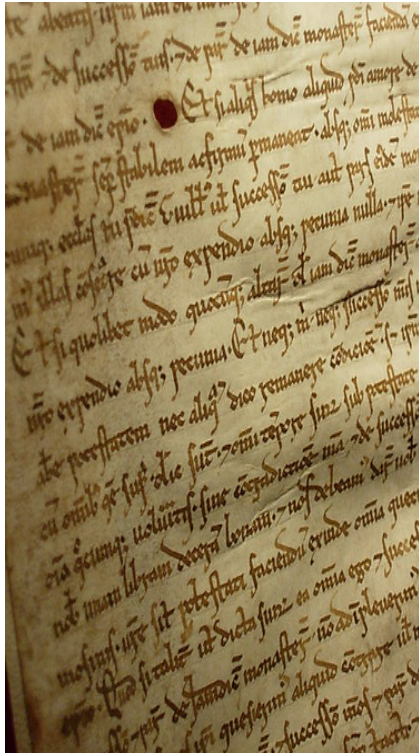
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Joint GNSO/ALAC Drafting Team Charter



- ❖ Draft a charter comprised of registrant rights and responsibilities
- ❖ Identify potential topics for amendments to the RAA
- ❖ Develop a specific process and timeline to move forward with proposed amendments to the RAA

Rights and Responsibilities Charter

Origin

2009 RAA: Registrars to link to a web page describing existing rights available to and responsibilities of Registrants (§ 3.15)

Charter Content

(Annex A of Final Report):
Inventories *current* provisions of the 2009 RAA relating to registrants
Simplified language provided, based on Non-Lawyers Guide to the RAA developed by Staff

Next Steps

Staff consultation with registrars and implement web page for the Rights and Responsibilities

Charter

Aspirational Charter

At-Large Community produced an “Aspirational Charter” describing rights that it believes *should be* afforded to registrants



List of High Priority Amendment Topics to be considered by the GNSO

Item No.	Description
1	Prohibition on registrar cybersquatting
2	Malicious conduct – registrar duty to investigate
3	Designation and publication of a technically competent point of contact on malicious conduct issues (available 24/7 basis)
4	Disclosure of privacy/proxy services made available by registrar; Responsibility of registrar for compliance by such services
5	Obligations of privacy/proxy services made available by registrar re: Data escrow; Relay function; Reveal function
6	Registrar responsibility for cancellation of registrations made by other privacy/proxy services for noncompliance with Relay and Reveal

List of High Priority Amendment Topics to be considered by the GNSO (continued)

Item No.	Description
7	Define circumstances under which registrar is required to cancel registration for false Whois data and set reasonable time limits for registrar action
8.	Require PCI compliance in registration process
9	Define “reseller” and clarify registrar responsibility for reseller compliance
10	Require greater disclosure of registrar affiliates/multiple accreditations
11	Require greater disclosure of registrar contact information, information on form of business organization, officers, etc.
12	Clarification of registrar responsibilities in connection with UDRP proceedings

Medium Priority Amendment Topics to be considered by the GNSO

- ❖ Spell out registrar “verification” process after receiving false Whois data report
- ❖ Require links to Whois Data Problem Reporting System on Whois results pages and on registrar home page
- ❖ Service Level Agreement on Whois availability
- ❖ Registrar to disclose resellers and vice versa
- ❖ Expand scope of authority to terminate accreditation
- ❖ Require registrars to report data breaches
- ❖ Streamline arbitration process in cases of dis-accreditation
- ❖ Streamline process of adding new gTLDs to accreditation
- ❖ Registrar responsibilities for acts of affiliates
- ❖ Staff to draft registrar code of conduct if registrars fail to do so by time certain

Next Steps- the RAA Amendment Process

Agreement on several process features, including periodic reports (with text) from negotiations

- **Strong Support:** Include observers in negotiations (representing interests of affected non-parties)
- **Substantial Opposition:** Do not have observers in negotiations but provide regular reports
- **Some Subteam Members:** Third parties should be full participants in negotiations

Motion to Approve the Recommendations in the Final Report on Proposals for Improvements to the RAA

Adopts Proposal A For Next Steps On RAA Additional Amendments

Whereas, on 4 March 2009, the GNSO Council approved the form of the 2009 Registrar Accreditation Agreement (RAA) developed as a result of a lengthy consultative process initiated by ICANN;

Whereas, in addition to approving the 2009 RAA, on 4 March 2009 the GNSO Council convened a joint drafting team with members of the At-Large Community, to conduct further work related to improvements to the RAA; specifically to: (a) draft a charter identifying registrant rights and responsibilities; and (b) develop a specific process to identify additional potential amendments to the RAA on which further action may be desirable;

Whereas, on 18 October 2010, the Joint GNSO/ALAC RAA Drafting Team published its Final Report describing specific recommendations and proposals to the GNSO Council for improvements to the RAA;

Whereas, the GNSO Council has reviewed the Final Report and desires to approve of the recommendations and proposals contained therein;

GNSO Council Motion (Continued)

Adopts Proposal A For Next Steps On RAA Additional Amendments

NOW THEREFORE, BE IT:

RESOLVED, that the GNSO Council appreciates the effort of the Joint GNSO/ALAC RAA Drafting Team in developing the recommendations and proposals delineated in the Final Report for improvements to the RAA;

RESOLVED FURTHER, that the GNSO Council hereby accepts the Final Report and approves of the Form of the Registrant Rights and Responsibilities Charter as described in Annex D of the Final Report;

RESOLVED FURTHER, that the GNSO Council recommends that Staff commence the consultation process with Registrars in the RAA to finalize the Registrant Rights and Responsibilities Charter for posting on the websites of Registrars as specified in Section 3.15 of the RAA;

RESOLVED FURTHER, that the GNSO Council recommends that Staff adopt the process specified as Process A in the Final Report to develop a new form of RAA with respect to the High and Medium Priority topics described in the Final Report.

GNSO Council Motion (Continued)

Adopts Proposal A For Next Steps On RAA Additional Amendments

Process A states:

1. Prioritized list of topics goes to GNSO council (i.e., final form of this report). Staff and council review may filter out topics that fall under consensus policy.
2. Negotiations begin with negotiation group consisting of Staff, the Registrars (as a whole, not individually), and certain observers representing the interests of affected non-parties to the agreement.
3. During negotiations, if Staff and Registrars agree, parties may vote to hold discussion on specified topics in executive session (excluding observers), then reporting back to the full negotiation group re progress.
4. Negotiating group reports [to GNSO and ALAC, or to the public] periodically (such as monthly) on status and progress. Negotiating group is expected to make bracketed text, and/or agreed items, available for public comment and feedback.
5. Negotiating group reviews comments and continues negotiations and repeat step 4 as necessary.
6. Staff and Registrars, after consultation with observers, determine when full final draft of new RAA is ready to be posted for public comment.
7. GNSO Council reviews and considers public comments and votes on approval of the RAA. GNSO Supermajority Vote to be obtained in favor of the new form.
8. If Council approves, the new RAA goes to Board for approval.
9. If Council does not approve, goes back to negotiation team with appropriate feedback for reconsideration. Repeat from step 6.

RESOLVED FURTHER, that the GNSO Council recommends that this process be initiated by ICANN immediately.

Thank You



6. Final Report on Proposals for Improvements to the RAA

c. Refer to motion

7. Recommendations re. Registration Abuse Policies (RAP)

- a. Refer to Letter from the RAP Implementation Drafting Team (IDT)
- b. Thanks to the RAP IDT members and co-chairs Mikey O'Connor & Greg Aaron.
- c. Brief overview of weekend GNSO working session (Marika Konings)

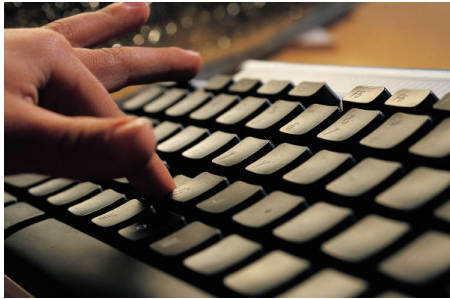


Recommendations re. Registration Abuse Policies

Marika Konings

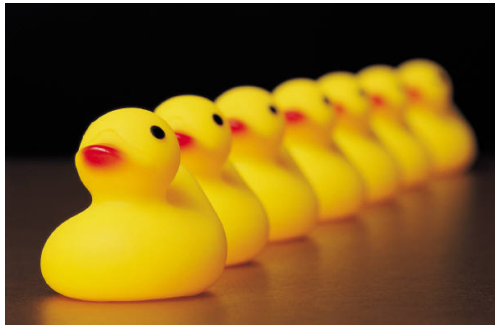


Background



- Registration Abuse Policies (RAP) WG published Final Report on 29 May 2010 containing 14 recommendations addressing, amongst others, Cybersquatting, WHOIS access, Uniformity of Contracts
- RAP Implementation Drafting Team tasked to develop approach for dealing with recommendations

RAP Implementation DT Approach



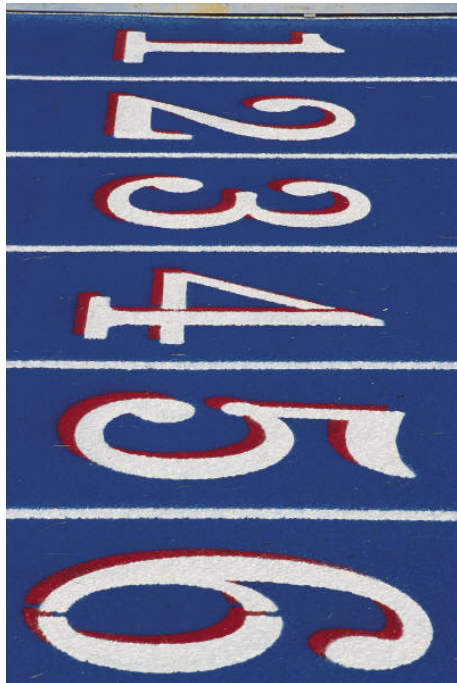
- RAP Implementation DT organized recommendations based on:
 - Consensus level achieved by RAP WG
 - Expected scope / complexity / size
 - Dependencies
 - Perceived priority
- In addition, DT identified “low hanging fruit”

Ranking of Recommendations



- Low Hanging Fruit:
 - WHOIS Access - Recommendation #2
 - Fake Renewal Notices - Recommendation #1
- Others ranked in order:
 - Malicious Use of Domain Names - Rec #1
 - WHOIS Access - Rec #1
 - Cybersquatting - Rec #1
 - Uniformity of Contracts
 - Gripe Sites; Deceptive and/or Offensive Domain Names - Rec #1

Ranking of Recommendations



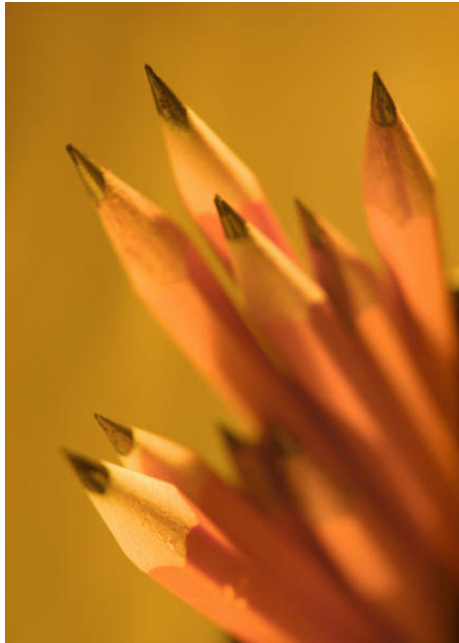
- Cybersquatting - Rec #2
- Fake Renewal Notices - Rec #2
- Collection and Dissemination of Best Practices
- Cross-TLD Registration Scam
- Uniformity of Reporting
- Gripe Sites; Deceptive and/or Offensive Domain Names - Rec #2
- Domain Kiting / Tasting

Next Steps



- Council to continue deliberations from weekend session
- Consider how/when to move forward with approach proposed by RAP-IDT

Further Information



- Review the RAP-IDT recommended approach - <http://gns0.icann.org/correspondence/rap-idt-to-gns0-council-15nov10-en.pdf>
- Registration Abuse Policies Final Report - <http://gns0.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>

Questions?



7. Recommendations re. Registration Abuse Policies (RAP)

- c. Discussion questions
- d. Discussion
- e. Next Steps

8. Joint DNS Security and Stability Analysis Working Group Charter

- a. Refer to draft charter
- b. Overview of draft charter (Julie Hedlund)
- c. Refer to motion
- d. Next steps

9. WHOIS & Internationalized Registration Data

- a. Whois Studies
- b. Internationalized Registration Data Working Group

Internationalized Registration Data Working Group (IRD-WG) Update

Steve Sheng
ICANN

IRD-WG Objectives



- How to internationalize domain registration data?
- How to specify how to internationalize the WHOIS protocol?

Issues Discussed So Far

- Is the WHOIS Protocol Able To Support Internationalized Registration Data?
- Capabilities Needed for Directory Services in the IDN Environment
- Query and Display of IDN variants
- Models to internationalize contact data

Recent Developments & Next Steps



- Interim report published in 6 UN languages for public comment: <http://www.icann.org/en/publiccomment/#ird>;
- Public session in Cartagena on 09 December 9:30-11:00 am, Barahona 3: <http://cartagena39.icann.org/node/15309>
- IRD-WG will take comments received and deliberate on the models for internationalizing registration data;
- Discuss remaining issues; and
- IRD-WG issues final report

9. WHOIS & Internationalized Registration Data

c. Audience Input



10. GNSO Improvements

- a. Operations Steering Committee Report (Philip Sheppard)
- b. Policy Process Steering Committee Report (Jeff Neuman)



Policy Process Steering Committee

Jeff Neuman, Chair



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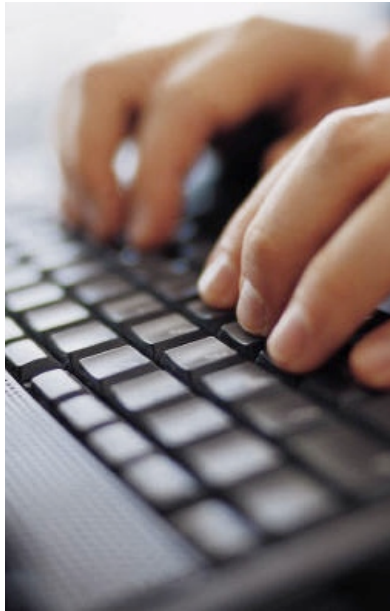
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Background



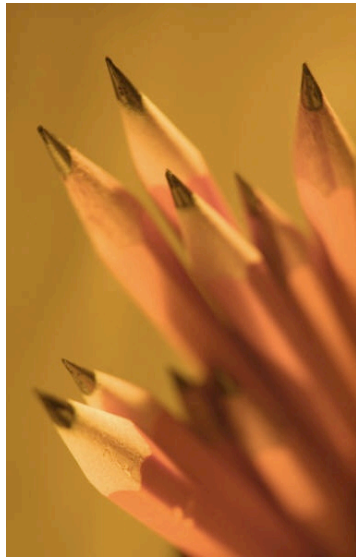
- Responsible for reviewing and recommending processes used within the GNSO for developing policy
- Overseeing two WTs: Working Group WT and Policy Development Process WT

Status - WG WT



- PPSC is in the process of finalizing the proposed GNSO Working Group Guidelines
- To be submitted to the GNSO for review and approval shortly
- GNSO Council to consider public comment period prior to approval

Status - PDP WT



- WT working on draft Final Report to be published for Public Comment
- Currently addressing a number of outstanding issues
- SGs / Constituencies encouraged to review draft Final Report and submit comments
- Following review of public comments and development of Final Report, it will be submitted to the PPSC for review

Questions

Thank You



10. GNSO Improvements

- c. Staff Report (Rob Hoggarth)
- d. Pending new constituency presentations
- e. Discussion
- f. Refer to motion to extend PPSC & OSC charters
- g. Refer to motion to end the PPSC & OSC

11. Recognition & thanks for outgoing Councilors

- a. Non-Contracted Party House
- b. Contracted Party House



11. Recognition & thanks for outgoing Councilors

- a. Non-Contracted Party House
- b. Contracted Party House



12. Recognition & thanks for ICANN Staff support in 2010

- a. Administrative Support
- b. Direct GNSO Policy Support
- c. Dozens of other staff members from the ICANN executive team to liaisons to other SO and AC support personnel have also provided support to the GNSO



13. Welcome to New Councilors

- a. Non-Contracted Party House
- b. Contracted Party House
- c. Dozens of other staff members from the ICANN executive team to liaisons to other SO and AC support personnel have also provided support to the GNSO

14. Other Business



15. Open Microphone





Thank You



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