

INTA and Internet Advocacy

ICANN 101

Presentation Overview

1. Digital Governance
2. The Domain Name System
3. ICANN
4. Generic Names Supporting Organization (GNSO)
 - A. Non-Contracted Parties House (NCPH)
 - B. Contracted Parties House (CPH)
5. Hot Topics in ICANN
 - A. New gTLDs and Subsequent Rounds
 - B. IANA Transition and Accountability
 - C. Enforcement
 - D. Use of Geographic Terms in Domain Names

Introduction to Digital Governance

No one person, government, organization, or company governs the digital infrastructure, economy, or society.

Digital governance is achieved through the collaborations of multi-stakeholder experts acting through polycentric communities, institutions, and platforms across national, regional, and global spheres.

Digital governance may be stratified into three layers:

1. Economic and Societal Layer
2. Logistical Layer
3. Infrastructure Layer

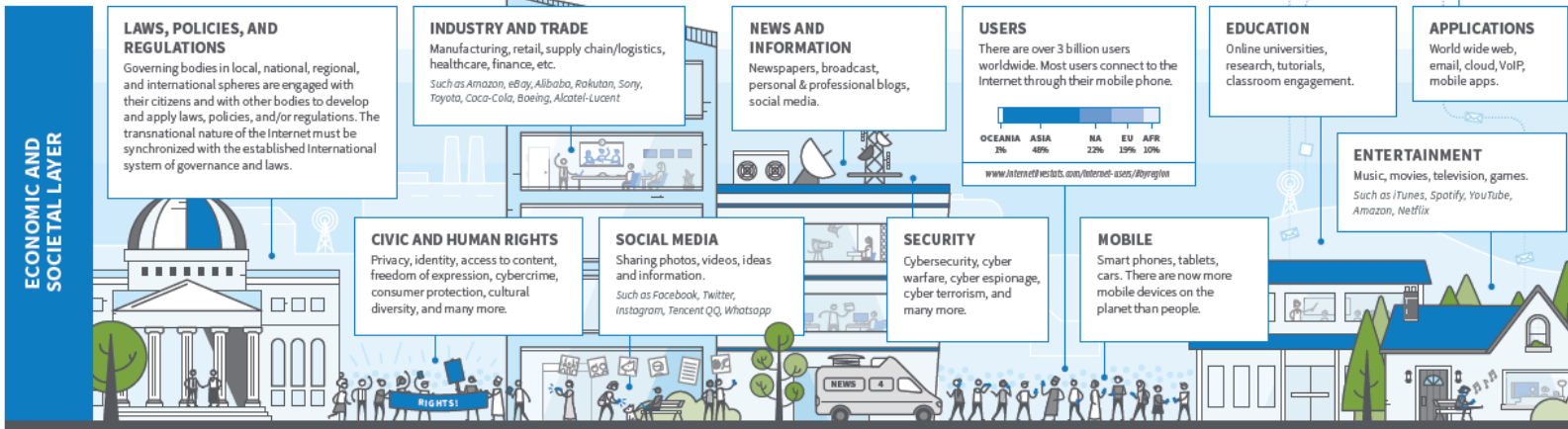
Digital Governance

THE THREE LAYERS OF DIGITAL GOVERNANCE

No one person, government, organization, or company governs the digital infrastructure, economy, or society. Digital governance is achieved through the collaborations of Multistakeholder experts acting through polycentric communities, institutions, and platforms across national, regional, and global spheres. Digital Governance may be stratified into three layers to address infrastructure, economic, and societal issues with solutions. For a map of Digital Governance Issues and Solutions across all three layers, visit <https://map.netmundial.org>

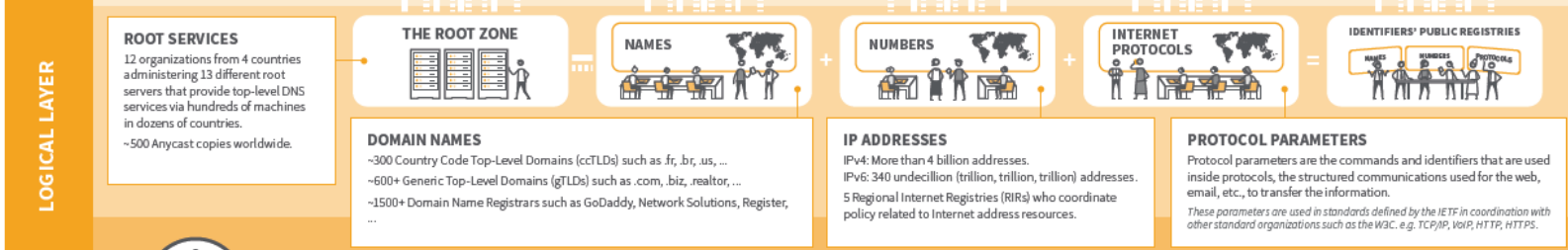
MULTISTAKEHOLDER COLLABORATIONS

Solutions to issues in each layer include policies, best practices, standards, and specifications developed by the collaborations of expert stakeholders from actors in business, government, academia, technical, and civil society.



KEY GOVERNANCE ACTORS

- IGF
- Technical Organizations (ISOC, W3C,...)
- Netmundial
- World Economic Forum
- National Governments
- Civil Society
- Intergovernmental Organizations (OECD, UNESCO,...)
- Law Enforcement Agencies



KEY GOVERNANCE ACTORS

- ETSI
- ICANN / IANA
- IETF
- ISO
- ITEE
- NRO
- TLD Operators
- W3C



KEY GOVERNANCE ACTORS

- GSMA
- IEEE
- IETF
- ITU
- National ICT Ministries
- Network Operator Groups

Names, Numbers, Protocols



Names are the combination of text that we type into a browser.

Numbers are the numbers linked to the text.

Protocols are the international standards for lookups, queries, and responses.

Names, Numbers, Protocols

Protocols guide the coordination of names with numbers. This process serves as the **road map** for an inquiry from point A to point B.

- Data is broken into packets and packets reconstructed at their destination.
- Addresses are looked up, queries are made as to whether the address is correct, and a response or “no” is sent.
- If one “no,” then no resolution.

The Root

Root Zone/Root Services

- 12 organizations from four countries
- Administer 13 different root servers
- Provide top-level DNS services via hundreds of machines around the world

What is IANA?

IANA: Internet Assigned Numbers Authority



Internet Assigned Numbers Authority

Function: Assigning the operators of top-level domains—such as .uk and .com—and maintaining their technical and administrative details (Protocol Registry)

Registries, Registrars, Registrants

Registry:

The “wholesaler” of domain names. Registries do not sell names directly to registrants.

- Authoritative database of domains ending with a particular top-level domain (including gTLDs, such as .com or .net and ccTLDs, such as .us or .jp)
- For example: Verisign or Afilias

Registrar:

The “reseller/retailer.” Names must be purchased through a registrar.

- Sells rights to use particular second-level domains (e.g., inta.org)
- For example: Network Solutions, GoDaddy, or MarkMonitor

Registrant:

A user purchases the right to use a second-level domain from a registrar for a designated period of time.

- For example: INTA uses the inta.org domain name

ICANN

The International Corporation for Assigned Names and Numbers (ICANN)

- A global multi-stakeholder organization
- Collaborates with companies, individuals, and governments to ensure the continued security, stability, and interoperability of the Internet
- Created and empowered in 1998 to privatize the Internet

GOALS:

- **Encourage greater international participation**
- **Bolster commercial competition**
- **Offer consumer choice**

What does ICANN do?

Ensures an open and transparent policy development process

ICANN coordinates internet functions:

- Domain Name System (DNS)
- Internet Protocol (IP) Address Allocation
- Generic Top-Level Domain Name (gTLD) System Management
- Country Code Top-Level Domain Name (ccTLD)

Ensures security and stability: Best practice education and new security protocols, such as the Domain Name System Security Extensions (DNSSEC)

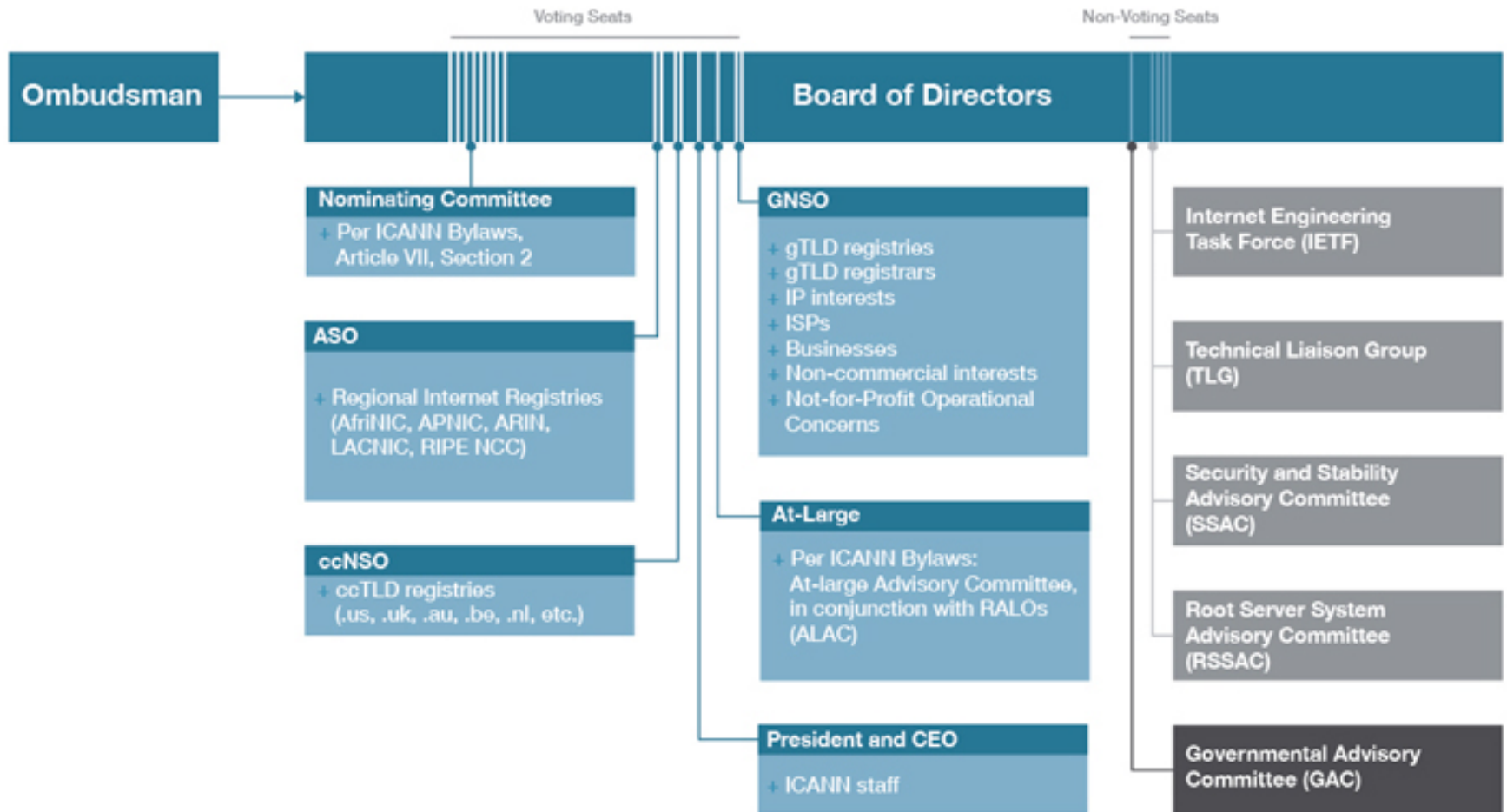
Supports interoperability: Secure connections between Internet users

Promotes competition and consumer choice:

- Accreditation for 1,000+ registrars
- Introduction of the new gTLDs



ICANN Structure



The Generic Names Supporting Organization (GNSO)

PURPOSE:

1. Fashions (and over time, recommends changes to) policies for generic top-level domains
 - For example: .com, .org and .biz
2. Strives to keep gTLDs operating in a fair, orderly fashion across one global Internet while promoting innovation and competition
3. Sample GNSO issues:
 - When you register a domain name, what services must the registrar provide?
 - If you forget to renew your domain name, and it expires, can you get it back?
 - What happens if someone registers a domain name that is confusingly similar to yours?

GNSO's Make-Up

- GNSO is comprised of various stakeholder groups
- Stakeholder groups function as caucuses
 - Intended to facilitate the creation of new constituencies as well as growth and expansion of GNSO participants
- There are four main stakeholder groups:
 1. Commercial
 2. Non-Commercial
 3. Registrars
 4. Registries

The GNSO Council

Governs policy development in the GNSO

- The GNSO Council has two houses, which appoint 18 of 23 GNSO Council members:
 - the Non-Contracted Parties House; and
 - the Contracted Parties House.
- ICANN's Nominating Committee appoints three additional GNSO Council members.
- The GNSO Council also includes non-voting Liaisons and Observers from other groups within ICANN.
- This system provides checks and balances to ensure no single interest group dominates the GNSO Council.

Non-Contracted Parties House (NCPH) Overview

1. Commercial Stakeholder Group (CSG)

- a. Intellectual Property Constituency (IPC)
- b. Business Constituency (BC)
- c. Internet Service Providers (ISPs)

2. Non-Commercial Stakeholder Group (NCSG)

- a. Non-Commercial Users Constituency (NCUC)
- b. Not-for-Profit Operational Concerns Constituency (NPOC)

1. Commercial Stakeholder Group (CSG)

Includes:

- Intellectual Property Constituency (IPC)
 - INTA is a member of the IPC
- Business Constituency (BC)
- Internet Service Providers (ISPs)

Mission and Principles of CSG:

- To represent the views of commercial Internet users and relevant sectors of the ICT industry
- To ensure ICANN policy and contracts are consistent with the Internet as a safe place for business-to-business and business-to-consumer transactions and communications
 - Includes policies that mitigate against undue threats and risks; protects intellectual property; supports the stability and resiliency of the Internet.

Membership to the CSG is coordinated through membership with one of its constituencies.

2. Non-Commercial Stakeholder Group (NCSG)

Includes:

- A. Non-Commercial Users Constituency (NCUC)
- B. Not-for-Profit Operational Concerns Constituency (NPOC)

Mission and Principles of NCSG:

1. To represent the interests/concerns of non-commercial registrants and non-commercial Internet users of generic top-level domains (gTLDs)
2. To provide a voice and representation in ICANN processes to:
 - Not-for-profit organizations that serve non-commercial interests;
 - Not-for-profit services;
 - Public interest software concerns;
 - Families or individuals that register domain names for non-commercial personal use; and
 - Internet users who are primarily concerned with non-commercial, public interest aspects of domain name policy.

2. Non-Commercial Stakeholder Group (NCSG)

(A) Non-Commercial Users Constituency (NCUC)

Purpose: To represent, through elected representatives and interest groups, the interests and concerns of non-commercial registrants and non-commercial Internet users of generic top-level domains (gTLDs).

Provides a voice and representation in ICANN processes to:

1. Not-for-profit organizations that serve non-commercial interests;
2. Not-for-profit services;
3. Public interest software concerns;
4. Families or individuals that register domain names for non-commercial personal use; and
5. Internet users who are primarily concerned with the non-commercial, public interest aspects of domain name policy.

2. Non-Commercial Stakeholder Group (NCSG)

(B) Not-for-Profit Operational Concerns Constituency (NPOC)

Purpose: To represent **operational concerns** related to service delivery of not-for-profit and non-governmental organizations that are domain registrants and, therefore, participants in the DNS.

1. Determines the impact of DNS policies and its effects on the operational readiness and implementation of non-commercial missions and objectives.
2. Engages the ICANN community on policies and initiatives for not-for-profit and non-governmental organizations and the delivery of these services.
 - For example: domain name registration, expansion of the DNS, fraud and abuse, using the DNS to provide and collect information

Contracted Parties House (CPH) Overview

1. Registry Stakeholder Group (RySG)
2. Registrars Stakeholder Group (RrSG)

1. The Registries Stakeholder Group (RySG)

Purpose: To represent the interests of gTLD registry operators or sponsors:

- (i) that are currently under contract with ICANN to provide gTLD registry services in support of one or more gTLDs;
- (ii) who agree to be bound by consensus policies in that contract; and
- (iii) who voluntarily choose to be members of the RySG.

Guiding Principles: fairness, openness, and transparency in all RySG policies, practices, and operations

Member Expectations: To abide by ICANN bylaws and policies; support the consensus model; treat others with dignity, respect, courtesy, and civility; listen attentively to understand others; act with honesty, sincerity, and integrity; and maintain community good standing.

2. Registrars Stakeholder Group (RrSG)

The Registrars Stakeholder Group is one of several stakeholder groups within the ICANN community and is the representative body of registrars. It is a diverse and active group that works to ensure the interests of registrars, and their customers are effectively advanced.

Hot Topics in ICANN for INTA

Overview

1. **New gTLDs and Subsequent Rounds**
2. **IANA Transition and Accountability**
3. **Enforcement**
4. **Rights Protection Mechanisms**
5. **Use of Geographic Terms in Domain Names**

KEY INPUT IS DONE THROUGH ICANN WORKING GROUPS AND REVIEW TEAMS. ALL MEMBERS NEED TO BE ENGAGED IN THESE GROUPS.

WAITING FOR THE PUBLIC COMMENT PERIOD MAY BE TOO LATE.

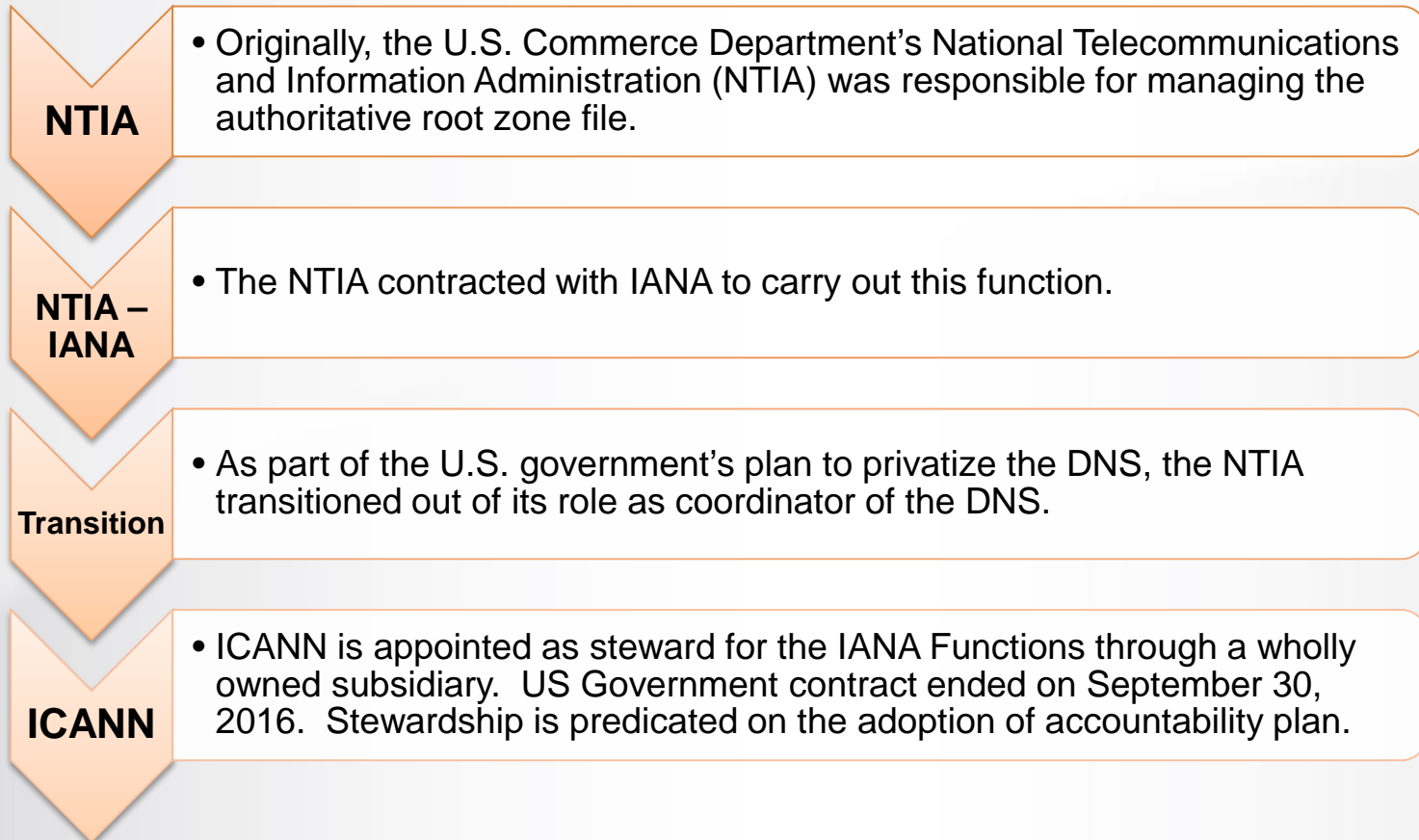
1. New gTLDs & Subsequent Rounds

RECENTLY ADDED	COMING UP	LAUNCHED	CLOSING
AWAITING SUNRISE LAUNCH .TUBE	AWAITING SUNRISE LAUNCH .insurance	SUNRISE PERIOD ACTIVE .tube	SUNRISE PERIOD ACTIVE .vip
AWAITING SUNRISE LAUNCH .LTD		SUNRISE PERIOD ACTIVE .promo	SUNRISE PERIOD ACTIVE .homes
AWAITING SUNRISE LAUNCH .GMBH		SUNRISE PERIOD ACTIVE .ltd	

<http://www.trademark-clearinghouse.com/>

- Other new gTLDs include
 - .baby
 - .family
 - .insurance
 - .makeup, etc.
 - .chanel, .Tiffany, .Alibaba, .shell, etc. (restricted)

2. IANA Transition/Accountability



Note: NTIA did not support any plans to replace its function with a government-affiliated institution.

3. Enforcement: Contract Compliance

GOAL: To ensure ICANN's contracted parties fulfill the requirements set forth in their agreements with ICANN by:

1. Upholding ICANN's mission;
2. Reinforcing the openness and transparency of ICANN's operation; and
3. Maintaining accessible resources for learning and reporting on compliance matters.

ICANN handles a number of common complaints, including:

- Domain name transfer issues;
- Domain name renewal issues;
- Domain name registration information issues; and
- Registry Operator Code of Conduct issues.

Complaints may be filed online at www.icann.org/compliance.

3. Enforcement: Rights Protection Mechanisms (RPMs)

- With the expansion of the gLTD namespace, objection procedures were established to protect the legal rights and interests of existing trademark holders.
- Known as RPMs, the objection procedures are designed to be applicable at various times over the life of a gTLD.
- Rights holders may utilize several mechanisms to address claims of infringement (e.g., UDRP, PDDRP, and URS).

3. Enforcement: Uniform Rapid Suspension System (URS)

- The URS was designed to provide TM owners with a quick, low-cost means to eliminate clearly infringing domain registrations.
- The Forum provides arbitration services, and complaints may be filed through its website.
(<https://secure.adrforum.com/ddfiling/urs/>)

3. Enforcement: Uniform Rapid Suspension System (URS)

- The TM owner must establish by clear and convincing evidence that:
 - The domain is identical or confusingly similar to its mark;
 - The domain is being used in bad faith; and
 - The domain owner lacks legitimate rights, titles, or interest in registration.
- The URS may only lock the domain name from being used; no other remedy, such as transferring the domain to the TM owner, is available.

3. Enforcement: Uniform Dispute Resolution Policy (UDRP)

Purpose: To provide TM owners with an efficient, cheaper, faster resolution than traditional litigation.

- To succeed in a UDRP action, the TM owner must establish that:
 - The domain is identical or confusingly similar to its mark;
 - The domain is being used in bad faith; and
 - The domain owner lacks legitimate rights, titles, or interest in registration.
- The UDRP requisite burden of proof is much lower than in URS proceedings.
- UDRP actions are typically longer and more expensive than URS proceedings.
- The main benefit: the possibility of transfer of the domain to the TM owner in successful cases.

3. Enforcement: Access to Data – Whois

- The Whois registry database is a directory of the details in which the owners and administrators of domain names are listed.
- Accurate Whois data is essential for enforcement and smooth transactions on the Internet.
- There are debates concerning how much data should be seen and accessible by the public and how much responsibility Registrars and Registries should have for verifying Whois data.
- INTA advocates for obtainable, accurate, and contactable Whois data.
- The requirements for a possible Next Generation Whois registry database are currently being discussed by the Next Generation Registry Directory Services Working Group of ICANN. INTA has members in this working group.

4. Use of Geographic Terms in Domain Names

- Geographical (Geo) TLDs represent a particular city or region.
 - For example: .tokyo, .paris, .wales, .saarland are geo TLDs.
- Applications must be supported by the local government or public authorities of the region.
 - Where the name or “string” is for a region over which more than one government or public authority claims authority, the applicant must provide evidence of support, or non-objection, by all relevant authorities.
 - Documentation of support will be required from at least 60% of the respective, relevant authorities.

4. Use of Geographic Terms in Domain Names

- Documentation of support may include letters of support, or non-objection, from government or public agencies.
- Duplicate applications supported with requisite documentation will be suspended pending resolution by the applicants.
- Should the applicants fail to reach a resolution, the applications will be suspended and the applicants refunded.

Suggested Reading

- **ICANN's website:** www.icann.org
 - Beginner's Guides about ICANN: <https://www.icann.org/resources/pages/beginners-guides-2012-03-06-en>
 - Glossary: <https://www.icann.org/resources/pages/glossary-2014-02-03-en>
 - Governance Documents: <https://www.icann.org/resources/pages/governance/governance-en>
 - Generic Names Supporting Organization (GNSO) and the issues it has been handling: <http://gns0.icann.org/> (The GNSO Council recommends substantive policies relating to gTLDs to ICANN's Board of Directors.)
 - ICANN's New gTLD Program: <http://newgtlds.icann.org/>
 - IANA Functions' Transition: <https://www.icann.org/stewardship>

Suggested Reading (continued)

- **Intellectual Property Constituency (IPC) website:**
www.ipconstituency.org (The Intellectual Property Constituency (IPC) is one of the six constituencies of the GNSO charged with the responsibility of advising the ICANN Board on policy issues relating to the management of the DNS. INTA is a member of the IPC. Individuals, companies, and associations can all be members in various capacities.)
- **INTA Internet Topic Portal:**
<http://www.inta.org/Advocacy/Pages/Internet.aspx> - Including Board Resolutions (INTA's official policy positions), Internet-related articles, amicus briefs, and comments and submissions to ICANN and other bodies.
- **World Summit on the Internet Society (WSIS) Report on Internet Governance:**
http://unctad.org/en/PublicationsLibrary/dtlstict2015d3_en.pdf
- **Some blogs on the topic:**
circleid.com, domainincite.com, and theregister.co.uk

Acknowledgements and More Information

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- If you have questions or for more information on how to become involved with ICANN and Internet advocacy, please contact INTA's Lori Schulman, Senior Director, Internet Policy, at lschulman@inta.org.