
DUBLIN – Policy Implementation IRT - IGO / INGO Identifiers Protection
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FABIEN BETREMIEUX: Good morning, everyone. My name is Fabien Betremieux from the Registry Services Team in the Global Domains division of ICANN. Welcome to our session today. This is a meeting with the Implementation Review Team for the IGO/INGO Identifiers Protection Policy Implementation.

Before we start, I would like to go around the table, and if we can have everyone introduce themselves and specify if they are member of the Implementation Review Team. And if they are not, volunteers to join, please take the opportunity to let us know.

So, can I start with you, Barry?

BARRY COBB: Barry Cobb, assisting ICANN staff.

PETTER RINDFORTH: Petter Rindforth, IPC and member of the team.

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UNIDENTIFIED MALE: [inaudible], member of the IRT.

LORI SCHULMAN: I'm Lori Schulman. I'm a member of the IRT. I'm also a member of the current working group.

FRANCISCO ARIAS: Francisco Arias, ICANN staff.

MARY WONG: Mary Wong, ICANN policy staff assisting the implementation team on this project.

LARS HOFFMAN: Lars Hoffman, ICANN policy staff assisting Mary Wong.

UNIDENTIFIED FEMALE: We're all assisting Mary Wong.

LARS HOFFMAN: I know, but I just wanted to have it on record.

MARY WONG: Oh, you're so sweet.

KRISTINE DORRAIN: Kristine Dorrain, member of the working group at IRT.

DAVID MAHER: David Maher, member of the working group.

UNIDENTIFIED MALE: [inaudible], ICANN staff.

UNIDENTIFIED FEMALE: [Aisha] [inaudible], ICANN staff.

FABIEN BETREMIEUX: Great. Thank you for the introductions. So let's review our agenda for our meeting today. We'll spend a little bit of time on the background of the policy in the current work that's ongoing in ICANN around IGO/INGO protections. We will then move on to presenting the approach that we're taking to this implementation and its current status. Finally, we'll to take as much time as we can for discussing our open questions and challenges. So the timing here is just to give you a sense of where we'd like to focus our attention in this meeting. Any comments or questions on the agenda?

So we wanted to spend a little bit of time on the background because in our first IRT meeting that we had a month ago, we sensed that there may be... That this could be quite confusing.

So what this diagram shows is all the work that's ongoing right now.

When you look at the top left, this line is the origin of time of this topic, which is the PP Working Group on the protection of identifiers of IGO, NGOs, and all gTLDs.

The work of this working group led to a resolution by the GNSO Council in November 2013 to work to potentially initiate a PDP on the Curative Rights Protection Mechanism, which was actually a PDP initiated in June 2014.

So in the history of time, there has been two working groups: one on the protection of identifiers and one on the Curative Rights Mechanism. The PDP Working Group on IGO Identifiers got to its recommendation in the final report, which we'll discuss in terms of how they were adopted, but then this working group has completed its work. The working group on the Curative Rights Protection Mechanisms, this one is still ongoing today as a PDP Working Group.

So in terms of the recommendation made by the Identifiers Protection Working Group, those were considered by the board and there was a board resolution in April 2014 that adopted a part of those recommendations. We'll look at exactly what those were. And the other part of those recommendations... So this

part that were adopted is what we are currently working in the IGO/INGO Identifiers Protection Policy Implementation.

The other part of the recommendation that were not from the PDP Working Group that were adopted by the GNSO Council, but which were not adopted yet by the board, are part of a... They're still being considered and part of a reconciliation effort between the NGPC, the GAC, and the GNSO.

The distinction really here between those recommendations that were adopted by the board and those that weren't is whether they were consistent or inconsistent with GAC advice that the board had received.

UNIDENTIFIED FEMALE: I'm sorry, I'm acronym challenged. NGPC? That one I don't remember.

FABIEN BETREMIEUX: New gTLD Program Committee. So this is the New gTLD Program Committee of the ICANN board. I apologize for the un-clarity.

So we have those three [inaudible] ongoing. And what we should note here is that... Sorry. I wanted to make it clear that today those three pieces of work are still ongoing. They're all alive. But

they belong to a different stage of the policy development and implementation process.

So the working group on the Curative Rights Protection Mechanism is a policy development. The reconciliation of the recommendation made on the protection of identifiers is at board consideration stage while our current work is already in the policy and implementation stage, and that's for the recommendations that were adopted by the board with respect to protecting IGO/INGO identifiers. Does that make sense to anyone? Any questions, comments?

We wanted to clarify the distinction to make sure that our scope of work here in this meeting in this IRT is clear. So please let us know if there is still points to be clarified, because we would like to make sure that this is clear.

So the scope of this IRT eventually will be to consider all those recommendations that will be adopted by the board. I mentioned that currently there is a [set] that's been adopted and we'll look into it. And there is a set that is still under consideration. But eventually, when this consideration process is finalized and [leads] to recommendations by the board – resolution by the board – then this will reincorporate the scope of our work. So this is what we are seeing as the eventual scope of this IRT.

So the recommendations on the protection of IGO/INGO identifiers rely on the definition of a precise scope. So I just want to review with you this scope, so again this is also clear in everybody's mind when we approach our work.

So there are four main categories of identifiers: those of the Red Cross and Red Crescent movements, those of the International [inaudible] Committee, those of the IGOs (International Governmental Organization), and those of the INGOs that are not the Red Cross – they're not from the Red Cross and Red Crescent movement, and that's the international non-governmental organizations.

Each of those may have specification of their scope. So let's look at those specifications. For the Red Cross and Red Crescent, we have a distinction between scope 1 and scope 2. Scope 1 is those names which correspond to the federations, if I'm correct, of the Red Cross and Red Crescent movements. Those four names are protected in the UN six languages. And scope 2 is about the 189 national societies names, plus some other federation names, plus the acronyms that are listed there. Those are protected the names in English plus their respective national language and the acronyms in the UN six languages.

This is a bit complicated, so we want to make sure that we've listed this and this can become a reference for everyone if

needed. With respect to the International Olympic Committee, the names that are protected – identifiers that are protected are Olympic and Olympiad in the six UN languages, as well as German, Greek, and Korean.

With respect to IGOs, [the are here in] two scopes. The reason it's important to distinguish scope 1 and 2 is because they're afforded potentially different protections, so this is why we want to make sure that those distinctions are clear.

Scope 1 is the full name of those organizations as listed on a list provided by the GAC on March 22, 2013. That's in up to two languages. And scope 2 is the acronyms of those organizations, and again in [up to two] languages.

Finally, with respect to INGOs, the reference here is to the ECOSOC list – the economic and social council of the UN. Scope 1 is the names of those organizations that have a general consultative status in English only. And scope 2 is about the special consultative status organization, the names of those organizations that have special consultative status.

Please?

UNIDENTIFIED MALE: I thought that the non-governmental organizations had been excluded in the first process of this.

FABIEN BETREMIEUX: So we will review in the next slide, if you allow me to move to that slide, and we will see exactly what is the scope of protection in what we are currently doing.

Any questions on the scope of identifiers? Okay, so let's move on. Let me talk to the protections of those various identifiers.

So in terms of protections that were recommended by the PDP Working Group and adopted by the GNSO Council, there were top-level protections and second-level protections. So top-level protections are at the top. Second are at the bottom of the slide.

We make a distinction then between those that were adopted, recommendations that were adopted by the board, in its resolution of April 2014. And those that were not adopted and that are currently still under consideration in the reconciliation process that I've mentioned.

So we can maybe get to your question directly, David, with respect to INGOs in the adopted recommendations by the board. We have the protection of those names at the second level via claims services, [inaudible] claims services. So we are working towards the implementation of those protections that were adopted by the board.

Let me take a step back and review the overall protections. At the top level, we have the protection of the Red Cross and Red Crescent scope 1 identifiers. The reservation at the top level. We have the IOC names. We have the IGO scope 1, which are the full names. INGO general consultative lists. So that's the second part of the answer to your question, David. That's the protection of the general consultative list at the top level.

And finally we have the protection of scope 2 of the Red Cross, Red Crescent identifiers. That's being reconciled because of the inconsistency between the GNSO recommendation and the GAC advice on this topic.

At the second level, it was recommended and adopted by the board that scope 1 of Red Cross, Red Crescent movement be protected if you have reservation; that the names of the IOC be reserved as well at the second level; that the scope 1 of the IGO names full name are reserved at the second level; and again that all the names on the ECOSOC consultative list be protected via claims services for 90 days.

And in terms of recommendations that are still being considered for protection at the second level, those pertain to scope 2 of Red Cross, Red Crescent, and IGOs.

So this is probably very difficult to swallow. That's why we made this slide, so we can come back to it anytime. It's going to be

published. It's going to be available in the IRT's work space. So please feel free to use it as much as you need and let us know if there is anything to clarify on this slide.

Not seeing any hands raised or activity in the chat. Let me then make sure we all understand that we're focusing today on those recommendations that have been adopted.

I mentioned earlier that our eventual scope may include those recommendations that were not yet adopted by the board that may be the subject of a resolution after reconciliation, but for now, today, this is our scope.

And what this means in terms of protection and scope, we're only really considering those protections that [we here] have on this slide and not the ones that are under reconciliation. Does that make sense to everyone?

Okay. I'm glad that we have this behind us now and we can move on to discussing actual implementation work.

We formed this Implementation Review Team in July. To date, we have four registry representatives representing three organizations. I believe we have apologies from Crystal Ondo from Donuts who has joined the IRT.

We have six IPC representatives representing four organizations. I wanted to make sure that everybody knows that participation

remains open to anyone who would like to join in the course of this work.

Over the course of our work in this IRT, we expect that the input of the IRT would be around the review of the draft procedures and draft policy language that we will be sharing, that you contribute your thoughts and consideration on open issues and changes we may face, that you review the list of identifier labels that we will produce as part of this implementation and we'll come back to the details of our various work product that we are planning for. And that you would contribute to reviewing the responses we will get to public comments eventually when our policy language is ready for public comments.

In terms of resources for the IRT's work, we will certainly be using the mailing list we have, conference calls like we did for our first IRT meeting, and the face-to-face meetings like this one when we can.

We will aim to having monthly meetings. We agreed in our first meeting that we will target at 16:00 UTC because that seemed to work for everyone that joined that call. If that doesn't work for you, please let us know. And here is a link to our work space for your reference.

Any questions on the IRT? I see none.

What is the set of deliverables that we're working towards in this implementation? We've changed a bit the order of those work products compared to our first meeting because we want to make sure that it is clear to the IRT members that what we're aiming for is eventually policy language that will be listed as part of the ICANN consensus policy and will then become a reference for contracted parties as part of their agreements with ICANN.

So with respect to consensus policy, we have drafted... We started drafted that language. We currently have an outline that we shared very recently, as you might have seen.

We will eventually take this document when it is read for public comments and this will then become – after review of public comments and work on that review [review] it will become a final language that we will use for implementation.

The status of that is that we've, as I just mentioned, released an outline for your consideration and will present this outline in this meeting and start discussing it here.

We expect that we will also need to produce procedures for implementation of the various protections. So this relates to implementation mechanisms that may be specific to procedures that ICANN will need to implement the ICANN side of those mechanisms.

Another important product of this implementation is the list of labels that will need to be protected under the various mechanisms that have been recommended. So we've listed here the ones that we're currently working on. You can see that we're much more advanced with the Red Cross, Red Crescent identifiers as well as the IRC identifiers in that we're a bit more challenged currently on the other lists of identifier labels.

Yes, please?

LORI SCHULMAN:

I have a question. When you say non-responsiveness, does this mean you've reached out to individual institutions and have not received responses? Who have you asked?

FABIEN BETREMIEUX:

We've tried to get in touch with ECOSOC. CSO Net, I apologize. CSO Net, which seems to be the operational organization as part of ECOSOC that manages that data. And this is where we are being challenged. We've been able to talk to... We've been able to interface with people in our organization, but not get what we need which is an electronic version, a version that we can process of their list of names because there is a public list, but in a PDF that we can easily process to transform into labels. So I think that's the main challenge we have there.

LORI SCHULMAN:

I would argue there's some other challenges with that list. That's I think a very problematic list, in my opinion. I will distribute some information to the group that I don't have readily at hand today. But I'm now in IPC, but I was in NPOC up until about six months ago. And as part of work we were doing in NPOC, we looked at that INGO identifiers list. We actually tried to ping the websites of these organizations and we found that over 70% had let their domains go. We weren't even clear which organizations on that list were still in existence and which were not.

So I would argue that there are challenges to that list that go far beyond non-responsiveness. And before we add any extra protections anywhere, I would be very clear about what we're actually attempting to do in terms of who will use these protections and how they will use them, if they will use them.

FABIEN BETREMIEUX:

Thanks. So I think this is a place to discuss this for sure. We're looking forward to the information you can share and we'll consider and discuss it. Thanks.

Any other questions on these deliverables? Mary?

MARY WONG:

Hi, this is Mary from policy staff. Lori, thanks for that information. As Fabien says, in times of implementation, having something that's implementable has been a challenge so far and I think our feedback adds a somewhat different dimension to that challenge. So I just wanted to clarify for everybody and for the transcript that it's obviously up to this group as the implementation team to change the nature or the scope of the original policy recommendations.

But to the extent that in the implementation process this team encounters the type of challenges that you've described, that may warrant a re-look at that policy process, then I would urge that then that goes right back to the GNSO Council as soon as possible. And I don't mean to sound alarmist. It's just something I wanted to make sure we define the scope of what we do, but also know the avenue is open if we actually reach that kind of challenges.

LORI SCHULMAN:

Right. I agree that it should go back to the GNSO, but I also think, too, that when we're looking at implementation, knowing what the challenges with the list are, maybe what we do is build into the implementation some sort of verification. That we don't blindly use lists. That there might be some methodology – a fair

methodology – that we could come up with that would verify that these names and these organizations are still in existence.

FABIEN BETREMIEUX: I just want to mention that we have a queue forming. We have Petter in the queue.

PETTER RINDFORTH: Petter Ridforth, IPC. Just a comment. I presume that we can't do so much now of this list, but in other working group where we're considering this dispute resolution policy for IGOs, we have identified article 6 [inaudible] more specified regulations for this.

But again, I presume that we can't do much about the list as it is now, but we've seen examples you've mentioned and we've seen other examples that it may be difficult to identify the correct organizations on that list. I know that list is a lot more [organizations] also than the [inaudible].

MARY WONG: Right. And I think that is one distinction between the IGOs and the INGOs. Two things. One is that during the policy process – and Barry will remember this as the primary staff support at the time – the group did spend a lot of time thinking through what

type of INGOs might qualify. That's why the ultimate recommendation was to use the ECOSOC list, a general as well as a consultative. And as Fabien has showed, in different was in this.

I think that may be something that may go back to the GNSO Council if what Lori is saying, and we investigate and it turns out that we have more challenges than we thought.

But in terms of the verification, Fabien, I'm going to throw it back at I think everybody and at you. I think this is something to discuss as well in terms of going forward, in terms of implementation. What is it that we can do at ICANN versus what it is that we need to rely on each organization, whether they're IGOs or NGOs to do? And verification may well be one of those topics.

LORI SCHULMAN:

I just want to give my apologies to the group. I actually need to go. But this is a topic I have a lot of interest in and I've done research on, so I'm happy to continue to participate. I'll read the transcript after the meeting.

FABIEN BETREMIEUX:

Thank you. I hear you said you would be sharing information [inaudible].

LORI SCHULMAN:

Yes. We have a report. It's not a formalized academic report. It's really just an accumulation of some raw results literally based on making thousands of phone calls and web inquiries as to the status of this list. We felt it was very important in the non-profit community at the time to understand truly the universe we were talking about on this list and whether or not this list...

I know, to your point, Mary, the policy has already been adopted, but there's fundamental problems with the list and I think it's important to understand and figure out a way to work with it. Otherwise, honestly, I think it's a waste of time and I think that it would not look well for ICANN, quite frankly. So, thank you.

FABIEN BETREMIEUX:

Thank you for your time. Are there any other comments or questions on this slide and on this list of deliverables we're working towards?

KRISTA PAPAC:

This is Krista Papac, ICANN staff. Sorry you have to leave, Lori. It sounds to me that possibly the issues – and I came in late, so I apologize for coming late, so I didn't hear the initial part of this discussion. But some of the issues I heard Lori articulating could

really be addressed with coming up with a process for how names come on and off the list. And I don't know if that is within scope of this group or if that's something else we would need to ask the GNSO for.

We have policy recommendations that the board has directed us to implement for this list. It is one of the open questions I think we've discussed internally on staff as to how names come on and off, and that would I think address at least some of what I heard Lori saying. I might have missed the first part. So I'd just like to maybe leave that as food for thought for the IRT to consider.

UNIDENTIFIED MALE:

Sorry. Just a practical question, since I've seen that before the [data] of the list. Once the organizations are identified, how [to deal practically] with the correct address and everything so you can be sure also that everything is sent out to the right e-mail addresses? As the list is so long, I presume that in some cases it can be difficult to easily make sure that you come to the officially right address with all the connections.

FABIEN BETREMIEUX:

We're in the realm of implementing challenges. Thanks for mentioning this. We will need to consider this. I don't think we're

at a stage where we already have proposals for that, but we'll need to look into it. It's on the record. We'll keep that going and we'll keep it for our discussions of implementation challenges that we have later in this presentation. Thanks.

Before we move on to discussing the details of the outline of draft consensus policy language, I just wanted to come back to this timeline assumption we shared in our first meeting, just for us to think about. This is the current assumption. We're working on drafting the implementation plan, which is this whole set of deliverables that we've presented. We expect that we'd be working with the IRT on a monthly basis and work towards releasing a draft implementation for public comment early next year. So that would be February/March 2016. Take that through public comments. And then based on the public comment we receive, finalize our documentation and implementation measures for a potential announcement of policy effective date by mid 2016, which then would start a six-month implementation period for affected parties if this is in line with what we find to be our implementation plan. And that would mean that the policy effective date would be January 2017.

So again, this is a current assumption which is pacing our work right now at this stage. Any comments, questions? I see none.

So let me, before we discuss the slide show, we shared a few days ago, we did not expect that you had reviewed the document and provided your input. This was really – we wanted to share the document as soon as it was ready and took this opportunity to present the document.

So I'm sharing here the clean version. You may recall, if you've seen the document, that we have a lot of comments in areas highlighted. This is a draft. A very initial draft that we wanted to share with you to give you a sense of where we want to be at the end of our work in terms of definition of the consensus policy language.

So we've divided the document in four main sections. The protections at the top level, protection at second level in terms of reservation, protection at the second level in terms of claims services, and finally specification of the lists of protected identifiers. If I scroll down...

The most advanced section of our outline is really the first one, the protections at the top level. This is the perspective we are taking as to how we would draft the consensus policy.

For instance those identifiers that would need to be reserved are referenced here and their specification is down in the document [in section 4]. So we were saying protection at the top level, labels corresponding to the following [inaudible] reserve from

delegation as gTLDs [inaudible] applied for by the relevant organization. And we then refer to the various identifiers that are in the scope of those protections.

And 1.2, regarding the application, we're proposing that the application process for the introduction of new gTLDs shall include a process allowing for the submission of application by a relevant organization seeking to apply for the [delegation] of a label otherwise reserved, under section 1. And the application process shall require the organization to provide documentation to establish itself as the relevant organization. And the application will be subject to all applicable processes governing the introduction of new gTLDs.

So there are elements where we'd like to specifically get your input, and that's for instance in the application process. What is the standard of documentation we should define for establishing that you are a relevant organization for applying for a given name?

So if you connect this to the policy recommendation, the application process is what the policy recommendation called the exception procedure to the protection, the protection being the reservation of the name from delegation at the top level and the exception procedure being the fact that an organization may be allowed to apply for a given name that's protected.

If I come back to section 1.1, here the main discussion point is we want to make sure that the IRT shares are understanding of the policy – the intent of the policy recommendation. That is a name is reserved until applied for by a relevant organization.

You may recall that the policy recommendation states and mentions that a given identifier should be ineligible for delegation, but that has a specific meaning in the application process which may prevent that a relevant organization applies for such name.

So this is the type of consideration that we'd like to discuss you. You will see that in the documents we shared, we highlighted specifically the need of interaction and input we'd like to receive from you on those topics.

Any questions I wanted to just take a bit of time in that section because it's the most advanced and I think it's ready for detailed consideration by the IRT. So please, feel free if you have any comments at this stage, and if not, we will work together in the coming weeks to gather your input.

I will just scroll down the document to give you a sense of the rest of the outline. So the section 2 would be where we would define the protection as reservation and where we would also define the exception procedures relating to those protection.

As you can see, we haven't defined yet how these could be, how reserved names could be coming off from reservation because this is really a more complicated consideration which we'll get to in our slides.

There's also another complication which is that if we reserve... When the policy is effective and names are reserved, how do we manage registration of those identifiers that become protected that were already reserved prior to the effective date of the policy?

Section 3 of our document is the protections at the second level via claims services. This only applies to INGOs [inaudible] identifiers. And here we'll need to define the nature of the various elements required to implement claims services, and we would also certainly... We expect to need to define elements of technical specification to implement those protection.

The working group final report referred to the Trademark Clearinghouse, but we are careful because we are all aware that these are not trademarks. So we are looking to that as part of the implementation consideration.

Barry?

BARRY COBB:

Thank you, Fabien. Just to make clear what you're seeing here in this draft is kind of a – or it should be a reminder back to the one slide that was talking about the scope as it stands today.

For instance, this draft will evolve when the outstanding recommendations are reconciled between the NGPC and the GAC. So in a future state there will be a 3.1.2, for example, that would list the IGOs, depending on how they're [protection].

FABIEN BETREMIEUX:

Thank you, Barry. Finally, I just want to quickly show you section 4, which is where we would specify as precisely as possible the various identifiers that are being protected.

One of the main... In section 4.1, what you want to understand here is that eventually the protection will be of DNS labels, actual names that could be reserved as domain names. So we want to make sure that while the policy recommendation pertains to identifiers which are lists of names as we've seen in our review of the scope of the policy, we will need to make sure that we can translate that into an exhaustive list of DNS labels. So part of our work will be to define how we match identifiers to DNS labels and we expect that this would be defined in the policy here.

We're making a reference here to the current gTLD reserve name list because you may be interested to go see that list if you're not familiar with it because it contains already a list of labels that are currently protected under spec 5 of the Registry Agreement.

The reason it's mentioned here is that we expect that this could become... This would be the standard specification of identifiers protected at the second level in terms of reservation of the names. We would specify the labels in that list.

And the rest of the section really is listing in as much detail as possible the – and relevant – the list of various identifiers that are protected.

So this completes the presentation that I wanted to take us through, just so that you are aware of this document that we shared. Oh, and before we close, actually, I just wanted to mention also section 4.6 which speaks to the point that Petter raised around the management of those lists and the necessity to handle potential changes to these lists.

The policy recommendation was specific about the management of new names coming on the INGO list, for instance, but we think that the IRT should look into [those] consideration if they're relevant to other lists.

So this does complete my presentation of this document. Please refer to the mailing list where it was shared with you I believe two days ago. We will also load that document on our work space for your review and we'll specify a date by which we'd like to get your initial comments on this outline so that we can discuss them in our next meeting.

Any comments, questions on this document? Okay, I'm hearing none, so going back to our slides. We've gone through this discussion, so we can move on to the next slide.

As we [went], I've mentioned some of the open items. They're listed here for your reference. And I'd like now to move on to our discussion of some of these. Time check. We have half-an-hour. Great.

What we're planning to do in terms of discussion is discuss with you those points that are highlighted here on this slide. So the implementation of exception procedure at the second level, identifier to label matching rules, and the maintenance of protected identifiers lists.

If you would like to discuss any of the other points, you're welcome to. We'd like to give an opportunity for you to tell us if there are anything else you'd like to discuss in terms of open items here. Okay, if there is no suggestion, we'll just proceed with the points we had identified for discussion today.

In the PDP Working Group report, there were specific elements flagged for consideration by the IRT. One of those was – and that’s in section 3.8 of the final report – a set of proposed options for an exception procedure at the second level. So exception procedure meaning the ability for an organization that has its identifiers protected to still apply for the registration of those names. So this pertains to reservation of names at the second level.

The PDP Working Group proposed that there is a goal and a set of principles. The goal is to potentially allow – have a procedure to determine whether a request for registration should proceed based on whether the registrant has a legitimate interest in a protected name.

The final report listed a set of principles that such a procedure should adhere to which are the notification to the applicant and a protected organization upon request of an application, the creation of a channel of communication between the applicant and the protected organization, and a possibility to have an objective, expeditious, and inexpensive determination be made on the legitimate interest of the applicant.

There were two options proposed to implement this goal and these principles. The first option was a fairly detailed process based on four steps. When there would be an application, the

applicant would receive a conditional refusal and would be proposed to declare its interest, the legitimacy of its interest, to the registry which would open a 10-day period for the protected organization to object. And if the protected organization objected, then there would be an independent examination process.

Second option was that an entity should be allowed to register a protected name if it committed to prevent confusion with the name of or the identifier of the organization.

In the public comment period on the final report – or initial report, I should say – in the PDP Working Group there were three specific comments relating to this proposal.

The Registry Stakeholder Group mentioned that it was supporting option 2 and not option 1. The ALAC shared its doubts on effectiveness of the proposed option in mentioning that the procedure should be inexpensive and fast.

And finally, [inaudible] commented that such a procedure – exception procedure – should reflect coexistence principle for legitimate third-party use, which I believe – I’m not a legal expert – is related to specific legal provisions in treaties. But I won’t go any farther, because again, this is not my area of expertise.

So I wanted to make sure everyone is aware of those considerations in the final report and open this up for discussion if anybody would like, because this is quite a challenging area in the implementation because we will need to define how those names can come off reservation in a way that is acceptable to or that can work as best as possible to contracted parties – and the affected parties I should say as well.

Let me pause here a second, if there are any comments or questions on this topic.

KRISTINE DORRAIN:

This is Kristine from the National Arbitration Forum. I have a couple questions. First of all, I don't know how far down everyone's gotten on this plan. My first question goes to the [goal] where a prospective registrant claims a legitimate interest in a protected name. My first question would be whether the registrant would need to already have some sort of a business, meaning that if you were going to register, if they were going to register, one of these IGO/INGO identifiers, would they need to have that business or could they be a domain name speculator? If not, they would need to establish somehow that they had this [inaudible] legitimate interest.

That sort of also goes to this idea of option 1 versus option 2. What you decided to go with might vary based on whether or not

that domain name registrant was trying to register the full name of the organization versus an acronym, because there could be multiple acronyms, but an entire full name would be a little bit different scenario.

So those were my questions as far as have we gotten down the path of considering either of those things.

FABIEN BETREMIEUX:

So to your question, I think we're I think we're at a very initial stage. I gather that the [inaudible] you share here are interesting options or elements to consider. You're referring to potential criteria [for] legitimate interest, so I think that seems an interesting path to explore.

The distinction of what type of procedure would be applied based on how the request would fit with the criteria is also a very interesting path to explore. So I think that's very interesting and very helpful. Thanks.

PETTER RINDFORTH:

Just read it quickly, it seems that option two would be the most [convenient] one, but still there are a lot of questions. One question I have is once someone has registered – let's say, make it easy, a version of Red Cross, because it's someone's trademark – when they transfer that domain name to

[inaudible], will it be the same process or, so to speak, is this first step, once it's done, is it free to proceed to other holders in the future?

FABIEN BETREMIEUX: I apologize, but unless somebody...

UNIDENTIFIED FEMALE: Are you asking if it can be transferred? So once they go through whatever process, the name is given to whoever, can it be transferred to someone else in the future?

PETTER RINDFORTH: Yes.

UNIDENTIFIED FEMALE: I think Barry is saying that that's not addressed in the policy recommendations, so question mark.

MARY WONG: Yeah. As Barry says, this was not something that was specifically addressed in the report, so maybe if we take a small step back from that, I think the way that Fabien's presented it is, essentially, the two options that are here were options that were discussed by the working group and presented as possible ways

to implement the principle. So I think what's important to remember for the IRT here is that whatever it is, you don't have to stick with either option one or option two. If there is a more certain better way to implement them, as long as the principles suggested by the working group are observed.

FABIEN BETREMIEUX: Thank you, Mary. I think this is helpful as well, very helpful. I didn't mean to draft this slide in this way, [as] being what we have currently being proposed and open for us to consider and revise as needed.

KRISTINE DORRAIN: I just had one more quick question. As you were discussing option 1 versus option 2, I didn't fully understand that those are not the [inaudible] options.

Did the committee discuss whether or not the IGO or INGO will be notified in option 2? So sort of almost like a trademark... I mean, it seems trademark claims-y to me, so I thought maybe there was also maybe a notification step or would they just be sort of lurking and trying to figure out?

FABIEN BETREMIEUX: I am not aware of the detail of that discussion in option 2 and whether notification of the organization was discussed [inaudible] discussion of this. It certainly does not appear in the final report.

BARRY COBB: I'm going to have to back through the notes. It's kind of unfortunate in that this was kind of a rushed policy process, but there was discussion about it, but as Fabien mentioned, it's very thin in the report. So I'll take that action to go get some clarity.

[MARK ANDERSON]: Under the principles, one of the principles is channel of communication between applicant and protected organization. I think you can't have that if there isn't some notification between the organizations. I mean, I would take that to imply that, yes, there is some kind of notification that must occur there.

Can I also ask a clarifying question? This applies just when the applicant, the person requesting the string, is not a protected organization or would this also apply if the protected organization is also interested in the string? Thank you.

FABIEN BETREMIEUX: Thanks for your question, Mark. I think we will need to have, as part of the implementation, a process that covers both. I am not sure exactly of whether that was specifically in the scope of the discussion in the PDP Working Group, but from my perspective, we need to get there.

UNIDENTIFIED MALE: I'll add on to my action list to get clarity on that as well. The working group mostly centered around the protected organization getting their name and what that process was like. Again, we'll have to seek clarity for what it means for a potential registrant that might have legitimate interest in that name. Again, I don't recall that the working group spent a lot of time on that aspect. It was mostly centered around the protected organization.

FABIEN BETREMIEUX: I don't see any other questions or comments on this topic, so let's move on.

Still in the final report were two main other considerations or elements for consideration by the IRT. The first one is implementation of those protection for gTLDs that were delegated prior to 2012. So all gTLDs that are not new gTLDs, which we sometimes refer as legacy TLDs. For those, the final

report mentioned that only second level protection applied, and that it would have to – such implementation would have to deal with names already existing, registration potentially existing.

So what was proposed is that when a name already – registration already existing [in those] TLD matches a protected identifier such name... So when it's not reserved, it becomes reserved if not already registered. If it is registered, it becomes non-transferrable. If it's been registered before a given cutoff date [that is to be defined].

And if it's been registered before the cutoff date, it becomes ineligible for registration once it expires, once it is deleted and all [inaudible] grace periods are terminated. That's if that name was registered before the policy cutoff date.

The final report also mentions that there should be a mechanism to prevent [inaudible] and that means that some actors may have taken the opportunity of this policy being discussed, but not implemented yet to register names that are in the scope of this policy. So there will be there a mechanism to define as well.

Any questions or comments? Barry?

BARRY COBB: I'll just add on to that. That second main bullet there is something that I think should probably be a priority for the IRT to discuss and maybe try to partially implement before we finish the IRT. I'm not sure how exactly we'd go about doing that. I think it's fortunate that most of those names aren't likely targets, but still there might be a few that could be worthy of nefarious actors trying to front run against the policy. But it should be fairly straightforward to implement that.

FABIEN BETREMIEUX: Thanks for the suggestion, Barry. Any other comments, questions? Mark, please?

[MARK ANDERSON]: I guess I'm wondering what happens when the actual protected organization has the string? I guess there will need to be a mechanism to identify those and make sure we're not removing legitimate registrations for those protected organizations.

FABIEN BETREMIEUX: Very good point. Thank you. Point taken. Okay, I don't see any other... Barry?

BARRY COBB: And I guess just on the first bullet – and this is something for the IRT to solidify – but I think the general idea coming out of the policy discussions was essentially if a name was already registered, whoever owns it is not to disrupt the natural order of the registration cycle and that it's only when that name would naturally almost become available for re-registration, that that's when it would be then reserved.

FABIEN BETREMIEUX: All right. Thank you, Barry. The last of those considerations for the IRT is the protection of an INGO identifiers [via] claims services. There were specific questions in section 3.4 of the final report such as: how will ICANN be notified of changes to the ECOSOC list? So that's to our point of managing those lists of identifiers. How is protection implemented when a string exceeds 63 characters? That may also apply to other protections, and protections at the top level as well. That's a question that we'll need to address as well. And it's [valid] at the top level and at the second level in terms of reservations as well. That's probably in relation as well to the matching of identifiers to DNS labels. So we'll have to consider this, what happens when a given identifier is transformed into labels that are more than 63 characters. How are those protected?

And finally, how will contact information be acquired and validated for bulk entries? So the notion of bulk entry was the notion that for claims services protection we would load all the information at once in whatever clearinghouse we use, and avoid having to manage one by one insertion into that database. And for doing that, if we are to do this, we will need the relevant information for all of these parties that are protected. And this is part of our challenges right now with the ECOSOC list in particular.

KRISTINE DORRAIN: Is there an aversion to putting any burden on the IGOs and INGOs to supply this information?

BARR COBB: That's something that's certainly been discussed, especially with the INGO list because it is quite large. I'm not monitoring it quite often, but I suspect it is a dynamic list as well. As Fabien mentioned, we tried contacting CSO Net. We made initial contact, but nothing of any substance. The first part is just to get a workable list because we can't even scrape it off of their website.

Then the secondary part was to at least try to have an initial dialogue with them of sharing the management of that in a way that makes the most sense.

FABIEN BETREMIEUX: So this completes the menu of considerations we will need to discuss, and eventually against which we'll need to have solutions. And before we end this meeting, we have one last area of discussion and those are what we are running into in terms of issues and challenges.

So we mentioned the notion of what we've called in our first meeting the perimeter of protections. That's exactly how we're protecting... How we're going from identifiers to DNS labels.

Another policy related challenge is going to be the potential impact of outstanding policy recommendation and the implementation of claims protection because it's been recommended by... Is it the GNSO recommendation for scope 2, the protection of scope 2 IGO identifiers permanent claims services? Where was that coming from? Oh, from the GAC advice. That was GAC advice, right?

So the reason I'm mentioning it is that if this were to be the outcome of a reconciliation process that there is a notion of permanent claims protection, this may have an impact on

whatever we define as the 90-day claims protection mechanism because we would want to not have to have two different systems to manage those protections. So we're being careful of what could be the impact here.

In terms of purely related implementation issues and challenges we have right now, we mentioned management of identifiers and contact data for INGOs. And the other one we have right now is collecting the two self-selected languages by IGOs on the GAC list. So this is what we're working on as well right now.

If anybody has any comments or suggestions or contributions to bring to these topics, we're happy to discuss them.

Hearing none, I just want to mention that we will be in touch the IRT via the mailing list to organize our next meeting and we'll propose a date for your initial comments on these various topics. We invite at any time you to get in touch with us to use that mailing list, to exchange your thoughts on the various elements that we've discussed today. And we certainly look forward to your input and contribution to the work of the IRT.

Thank you very much. Thank you all for your time today and we look forward to working with you.

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