PICS AND PICDRP: How to Get them right

Laureen Kaplan: Consumer Expectations of PICS and PICDRP

Counsel for International Consumer Protection, Federal Trade Commission, USA

- What do consumers expect from a new gTLD
- Can the PICs and PICDRP work for end users?

Jamie Hedlund: Compliance' Role in PICs

Senior Contractual Compliance and Consumer Safeguards ICANN

- What is Compliance' role in PICs – what can it do?
- Can the role be clearer/stronger in meeting consumer expectations?

Richard Hill: PICDRP's Role in PICs

Former Standing Committee member, PICDRP

- What is the role of PICDRP?
- Can the role be clearer/stronger in meeting consumer expectations.

Griffin Barnett: Does the PICs system work – for applicants and end users

Attorney, Winterfeldt IP Group and Chair International Trademark Assoc. of ICANN Engagement Subcommittee

- How does the complaints system work – in practice
- Suggested reforms – to meet user expectations

Registry Commitments in the Larger Scheme of Things

REGISTRY COMMITMENTS | **BASE REGISTRY AGREEMENT** | **ENFORCEABILITY** | **DATA & TOOLS**

BASE REGISTRY AGREEMENT

Terms & Conditions

+ upon signing RA:
- Temporary & Consensus Policies – Art 2.1 & Spec 1
- Reserved Names – Art 2.6 & Spec 5
- Interoperability/Continuity Standards – Art 2.7 & Spec 6
- Rights Protection Mechanisms – Art 2.8 & Spec 7
- Continued Operations Instrument – Art 2.12 & Spec 8
- Code of Conduct – Art 2.14 & Spec 9
- Community Registration Policies – Art 2.18 & Spec 12
- Registry RPM Access Fees – Art 6
- Name Collision Occurrence Assessment

+ upon delegation:
- Data escrow – Art 2.3 & Spec 2
- Monthly Reporting – Art 2.4 & Spec 3
- WHOIS/RDDS; Zone Files, Thin Registration Data – Spec 4
- Registry Performance – Art 2.13, 2.16 & Spec 10

+ SPECIFICATIONS

Spec 11 1

Spec 11 3 (a)-(d)

Spec 11 2

Spec 11 2

REGISTRY COMMITMENTS

Mandatory PICs
(Mandatory – Base RA)

1. Must use ICANN accredited registrar that are party to Registrar Accreditation Agreement (RAA) approved by ICANN Board
2. **Prohibit abuse by registrants – malware, botnets, phishing, piracy, TM/© infringement, fraudulent/ deceptive practices, counterfeiting, ~illegal activity**
3. **Conduct technical analysis on security threats – pharming, phishing, malware, botnets**
4. Operate TLD in transparent manner consistent with openness, non-discrimination by establishing, publishing and adhering to clear registration policies
5. Open Generics (GAC Category 2 Safeguards)

DNS Abuse Mitigation

GAC Category 1 Safeguards
(Mandatory – Customization of Base RA)

Voluntary PICs [VRCs]
(Voluntary – Customization of Base RA)

ENFORCEABILITY

Contractual Compliance
- **Registry Monthly Reporting**
  - **Registry Functions Activity**
  - **Per Registrar Transaction Report**
- Audits by CC
  - Art 1 Reps & Warr
  - Art 2 Covenants
- **Complaints resolution**
  - **Against Registry**
  - **Against Registrar**

Dispute Resolution Procedures
- UDRP
- URS (for new gTLDs only)
- RRDRP
- TPDDRP
- **PICDRP – data, review**

DATA & TOOLS

Contractual Compliance Reporting
- **Reports - Monthly, Quarterly, Annual**
- Audits Reports
- Blogs

Open Data Portal
- **Compliance**
  - DMHI (business)
  - ITHI (technical)

DAAR – Domain Abuse Activity Reporting

DN Registrars & Registries Framework to Address Abuse

Public Interest Commitments Made Eas(ier)

- PICs are add-ons
- Some PICs are Mandatory
- Some PICs are 'voluntary' but once made, are deemed to be part of the contract with ICANN
  - Of those, some can be enforced through ICANN Contractual Compliance, others can be enforced through the special PIC Dispute Resolution Procedure
  - The Main Changes – GAC 'Safeguards': regulated sectors, highly regulated sectors and special sectors
- Other PICs are voluntary – and stay that way (now called Voluntary Registry Commitments)