# BC Meeting – ICANN 40

**gTLD Issues for Business**

**March 2011**

# Meeting Agenda

# Key Issues of Interest: SSR

**ICANN Outreach Event**

**February 14, 2011**

# Agenda

| | |
|---|---|
| • Security, Stability and Resiliency (SSR) | J. Bruggeman |
| • Domain Name Ownership Issues (WHOIS) | S. Kawaguchi |
| • Responses and Q and A with ICANN Staff | |

# Security, Stability and Resiliency (SSR)

**Jeff Bruggeman**

**Vice President of Regulatory Planning and Policy at AT&T**

# Domain Name Ownership Issues (WHOIS)

**Susan Kawaguchi**

**Domain Name Manager, Facebook, Inc.**

# 2009 Brand Abuse - Observations

- Cybersquatting continues as most prevalent brand abuse
- Volume of abuse tells only half the story
- New measure – *persistence* – tells the other half
  - Persistence indicates profitable sites with higher potential for consumer harm and higher priority for enforcement
- No industry is immune to fraudsters, even in tough economic conditions
- Online advertising scams are more targeted and more difficult to identify

# Threat Types – 2009

| Threat Type | Q1-09 | Q2-09 | Q3-09 | Q4-09 | YOY |
|---|---|---|---|---|---|
| Cybersquatting* | 215,820 | 221,927 | 225,524 | 229,498 | 8% |
| Pay Per Click Scams | 34,317 | 35,299 | 34,862 | 36,359 | 8% |
| eCommerce | 25,148 | 28,206 | 24,489 | 24,648 | 0% |
| Offensive Content | 1,586 | 1,609 | 1,297 | 850 | -49% |
| False Association | 87,095 | 89,327 | 82,899 | 136,430 | 57% |

* Persistent Cybersquatting

# Facesboosk.com

Registrant Contact:
Facebook, Inc vsekya@usonly.net
1601 S. California Ave
Palo Alto, CA 94304
US +1.6505434800

Administrative Contact:
Facebook, Inc vsekya@usonly.net
1601 S. California Ave
Palo Alto, CA 94304
US +1.6505434800

Technical Contact:
Facebook, Inc vsekya@usonly.net
1601 S. California Ave
Palo Alto, CA 94304
US
+1.6505434800
Domain servers in listed order:
ns1.dreamhost.com
ns2.dreamhost.com

# Facebook Devil

# Registrar and Registry Security

- Domain Name: FACEBOOK.COM
- Registrar: MARKMONITOR INC.
- Whois Server: whois.markmonitor.com
- Referral URL: http://www.markmonitor.com
- Name Server: NS1.FACEBOOK.COM
- Name Server: NS2.FACEBOOK.COM
- Name Server: NS3.FACEBOOK.COM
- Name Server: NS4.FACEBOOK.COM
- Name Server: NS5.FACEBOOK.COM
- Status: clientDeleteProhibited
- Status: clientTransferProhibited
- Status: clientUpdateProhibited
- Status: serverDeleteProhibited
- Status: serverTransferProhibited
- Status: serverUpdateProhibited

- Domain Name: FACEBOOKMARKETING.COM
- Registrar: MARKMONITOR INC.
- Whois Server: whois.markmonitor.com Referral URL: http://www.markmonitor.com
- Name Server: NS3.FACEBOOK.COM
- Name Server: NS4.FACEBOOK.COM
- Name Server: NS5.FACEBOOK.COM
- Status: clientDeleteProhibited
- Status: clientTransferProhibited
- Status: clientUpdateProhibited

# Whois Review Team

- In accordance with the principles set out in the AoC, in particular its paragraph 9.3.1, the Scope of the Whois Review Team is to assess the extent to which existing WHOIS policy and its implementation:
- is effective,
- meets the legitimate needs of law enforcement; and
- promotes consumer trust.
- The WRT will undertake an analysis and determination of ICANN's performance against the AOC requirements that ICANN:
- implements measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information; and
- enforces its existing policy relating to WHOIS, subject to applicable laws.
- This assessment will undertake an evidence-based approach, and seek to identify good practice in other areas of the domain space (as a benchmarking tool). ). These could include examples regarding IP addresses and ccTLDs, where relevant, in consultation with ICANN Supporting Organizations and Advisory Committees, as well as with other organizations and the larger community.

# Definitions

- Law Enforcement is an organization or the activity of an organization all of which are authorized by a nationally or internationally recognized government to maintain, co-ordinate, and enforce laws, regulations, or multi-national treaty obligations within the internationally recognized authorized boundaries of that nationally or internationally recognized government

- Consumer

  *Individuals/organizations who are providing/maintaining/utilizing WHOIS data for commercial/non-commercial purposes*

# Q&A

**ICANN Staff**

# Implications of New gTLDs

**ICANN Outreach Event**

**February 14, 2011**

# Agenda

- Considerations for Brands as Strings — B. Winterfeldt
  - Issues and Opportunities
- Brand Rights Holders' Plans for gTLDs — F. Felman
- Review of IP Protections — S. Deutsch
- Cost and Timing Considerations — J. S. Evans
- Responses and Q and A with ICANN Staff

# Considerations for Brands as Strings

*Issues and Opportunities*

STEPTOE & JOHNSON LLP

*Brian J. Winterfeldt, Esq.*

# Benefits of Participation

- Opportunity to control a distinct Internet namespace customized for your brand
- Prevent third parties (who may include other legitimate rightsholders) from registering your organization's desired TLD
- Raise profile as a technological innovator
- Undetermined when another application period may be offered

# Preparing for Launch: Branding Considerations

- Evaluate current trademark and domain name portfolios
- Select potential gTLD(s) to represent your brand, considering long-term plans for each brand
- Ensure trademark and other clearances are completed for gTLDs of interest
- Consider international market needs, such as IDNs and regional brands
- Consider potential need for marketing campaign to reeducate internal and external users

# Uses for a New gTLD

- Robust and secure Intranet entirely controlled by your organization
- Replacement or enhancement of your organization's existing Internet resources
- Secure and authenticated external Internet space (to avoid phishing and fraud)
- Marketing, brand promotion, and value-added programs
- Web space for affiliates and licensees
- Consolidation of Internet resources under a house brand TLD
- Connection with international users
- High-tech product applications, e.g., for Web-enabled devices
- Commercial purposes – selling second-level domains

# Proposed Example - .canon

- Canon has announced plans to apply for a new gTLD
- Sample use – offering a second-level domain to each owner of a Canon camera (i.e., johnsmith.canon)
- Users could take pictures with an enabled device and have them uploaded immediately to their websites for viewing and sharing
- Could also offer premium services – additional web space, registration of additional domain names, or social media functionality

# Choosing a gTLD

- Corporate name or master brand
  (.facebook or .yahoo)
- Brand or product name, or other trademark
  (.like, .flickr, or .delicious)
- Product or service category
  (.email, .photos, or .search)
- Industry keyword
  (.content, .network, or .productivity)
- Other desirable generic terms
  (.social, .restaurant, or .entertainment)

# IDN Script Examples

- Arabic
- Chinese
- Cyrillic
- Devanagari
- Greek
- Hebrew
- Japanese
- Korean

# Evaluation Criteria for Strings

- Initial Evaluation – String Reviews
  - String similarity
  - Reserved names
  - DNS stability
  - Geographic names

# String Confusion Objection

- Applied-for gTLD string is confusingly similar to existing TLD or another applied-for gTLD string in same application round
- Who may object: existing TLD operator or gTLD applicant in current round

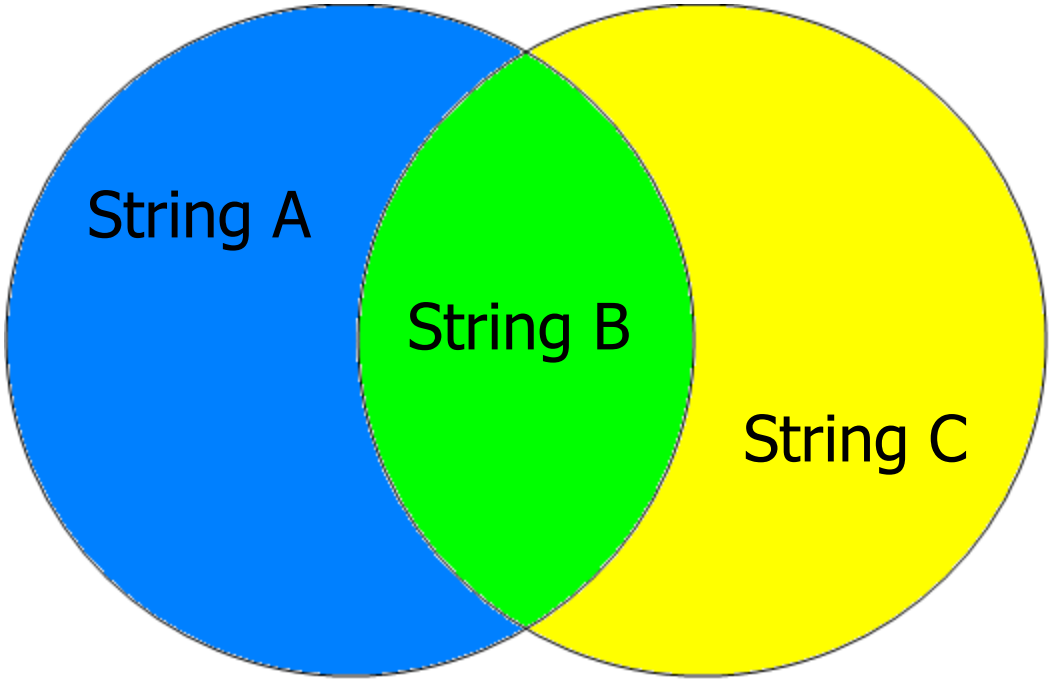
# String Contention Procedures

- String contention occurs when:
  - Two or more applicants for identical gTLD string successfully complete all previous stages of evaluation and dispute resolution; or
  - Two or more applicants for similar gTLD strings successfully complete evaluation and dispute resolution, and strings are identified as creating the probability of user confusion

# String Contention Terms

- Direct Contention – two strings are identical or similar with the probability of user confusion
- Indirect Contention – two strings are both in direct contention with a third string, but not with one another
- Contention Sets – groups of applications containing identical or similar applied-for gTLD strings

# String Contention Illustration




Strings A and B and Strings B and C – Direct Contention

Strings A and C – Indirect Contention

# String Contention Phases

- Identification of preliminary contention sets
- Evaluation and dispute resolution stages
- Identification of final contention sets
- Community priority evaluation (if applicable)
- Auction
- Settlement/agreement between parties may occur at any time

# Conclusion

- Understand benefits of participation for your brand
- Balance participation costs with potential opportunity cost of not participating
- Begin considering selection and clearance of potential strings
- Understand evaluation criteria for strings and potential for objections, string contention, and auction

# Thank You!

**Brian Winterfeldt**

Partner, Steptoe & Johnson LLP

202.429.6260

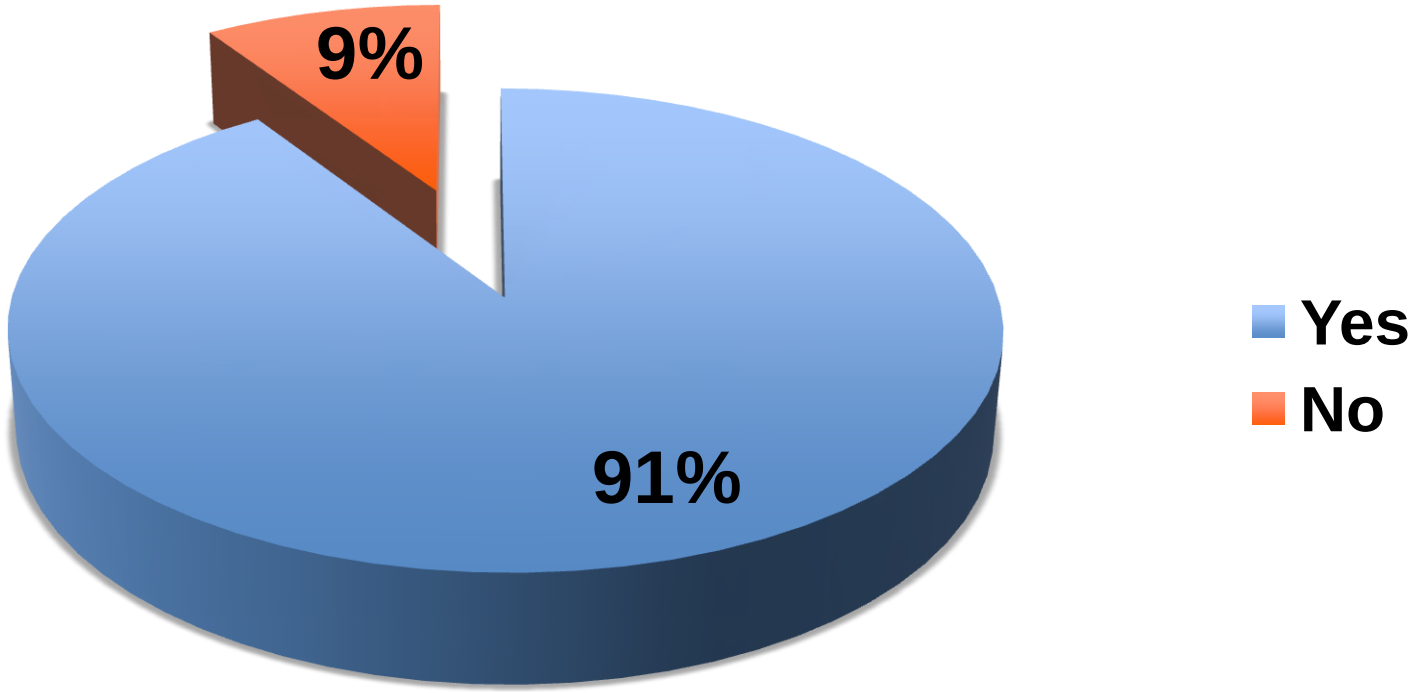
bwinterfeldt@steptoe.com

: @bjw72

# Corporate gTLD Intent and Plans

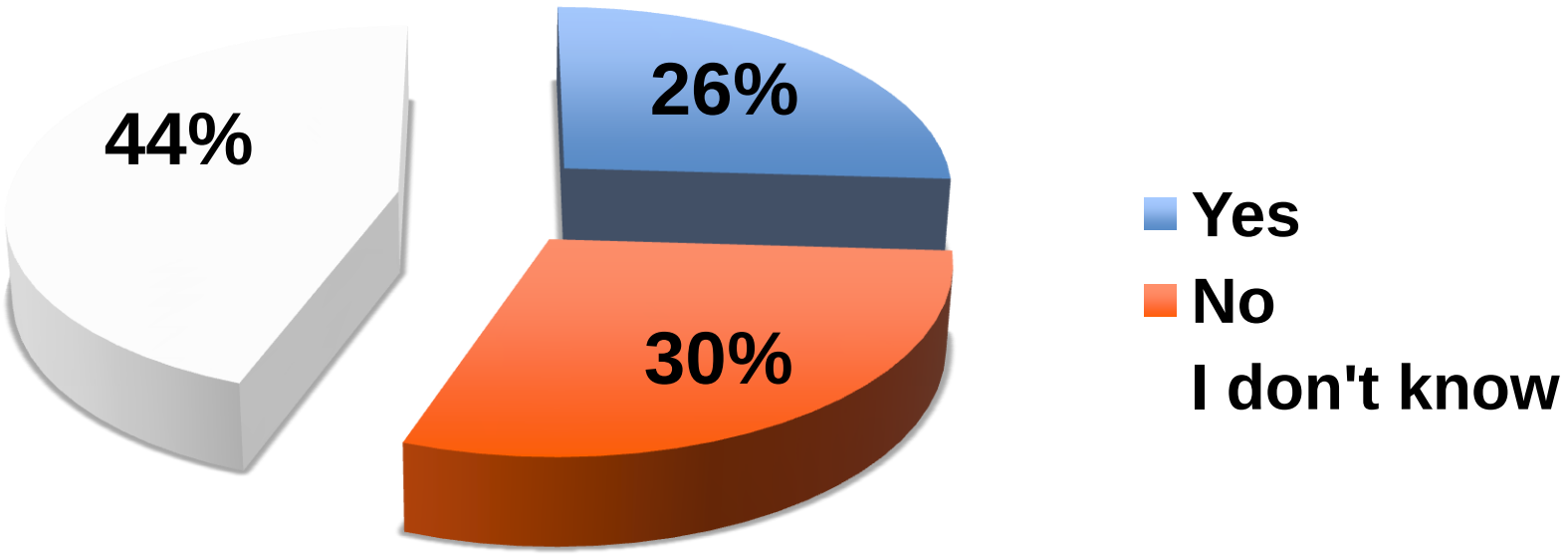
MarkMonitor®

# Corporate gTLD Awareness



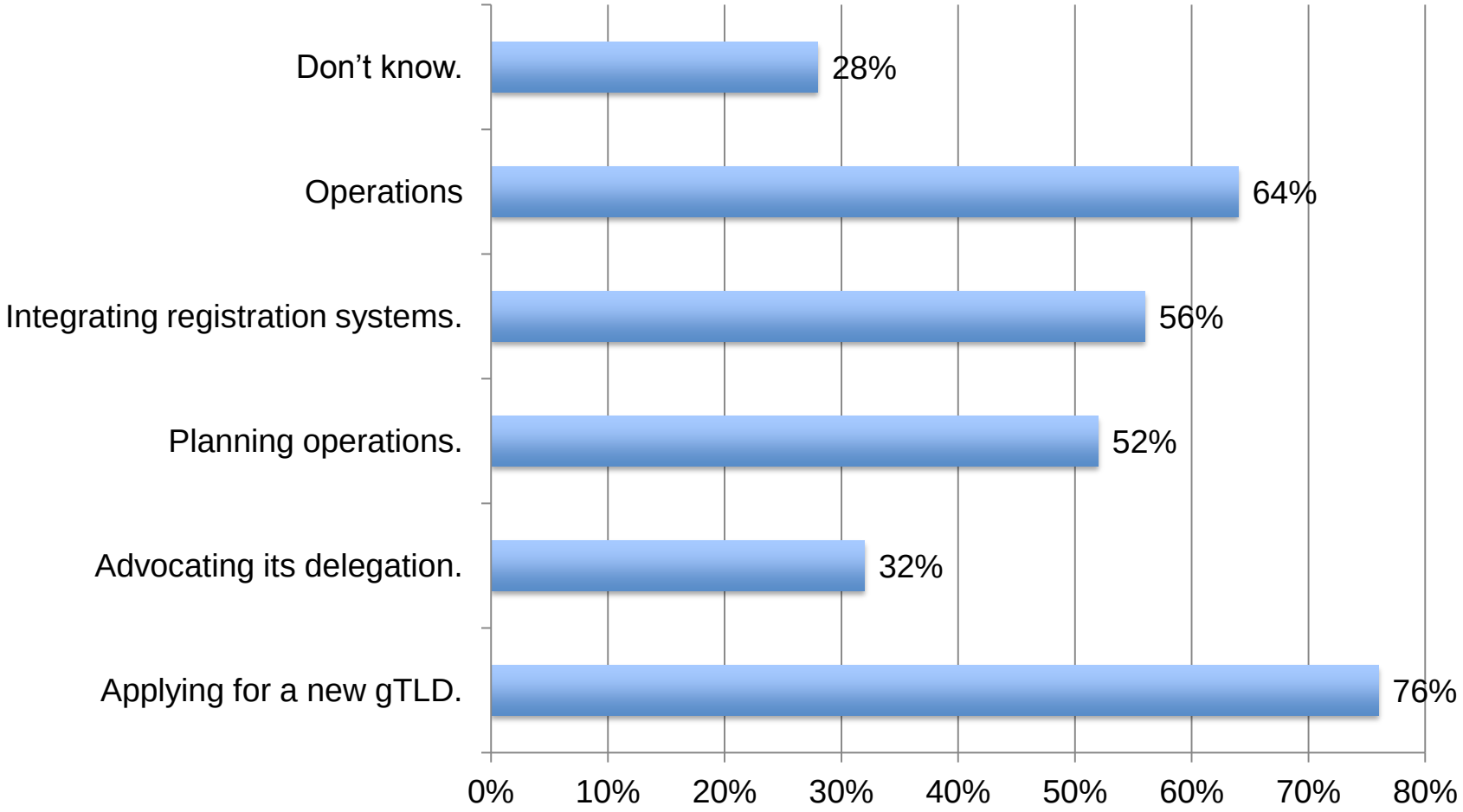

MarkMonitor®

# Corporate gTLD Adoption Plans



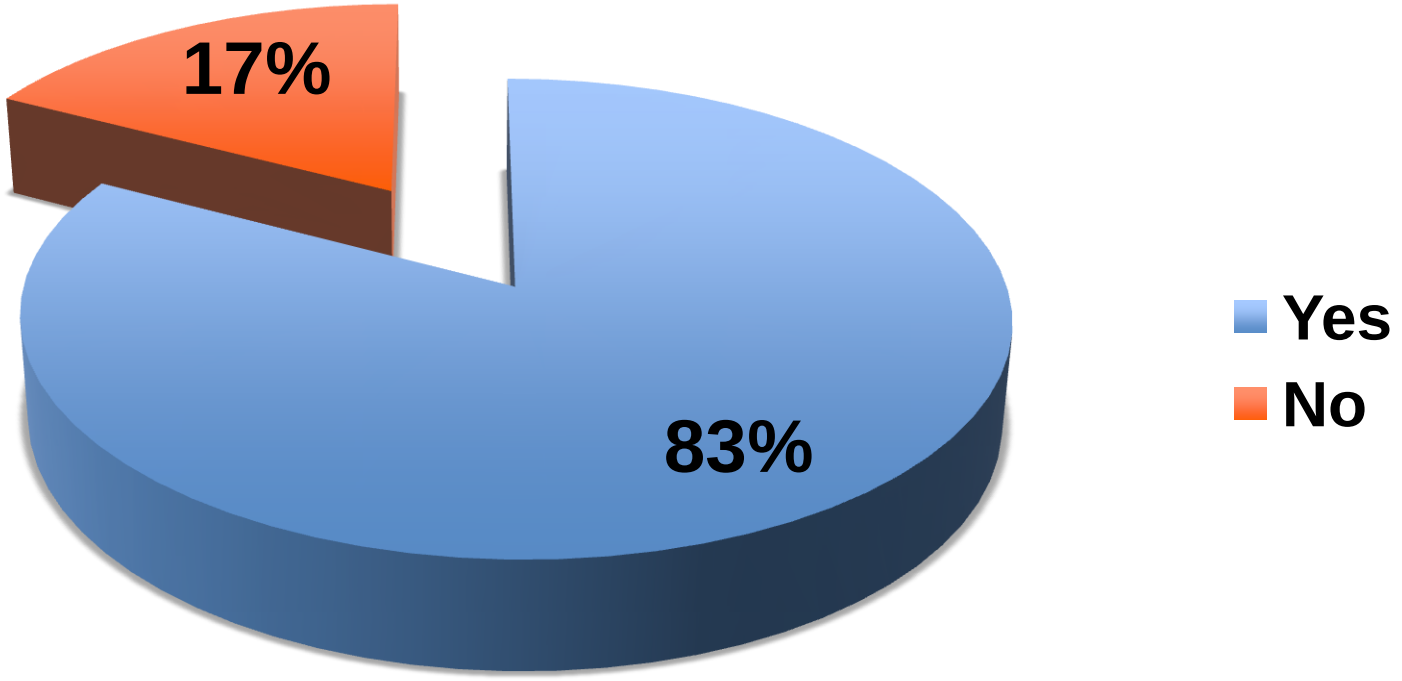

MarkMonitor®

# Corporate gTLD Services Requirements
## (NOT Mutually Exclusive)



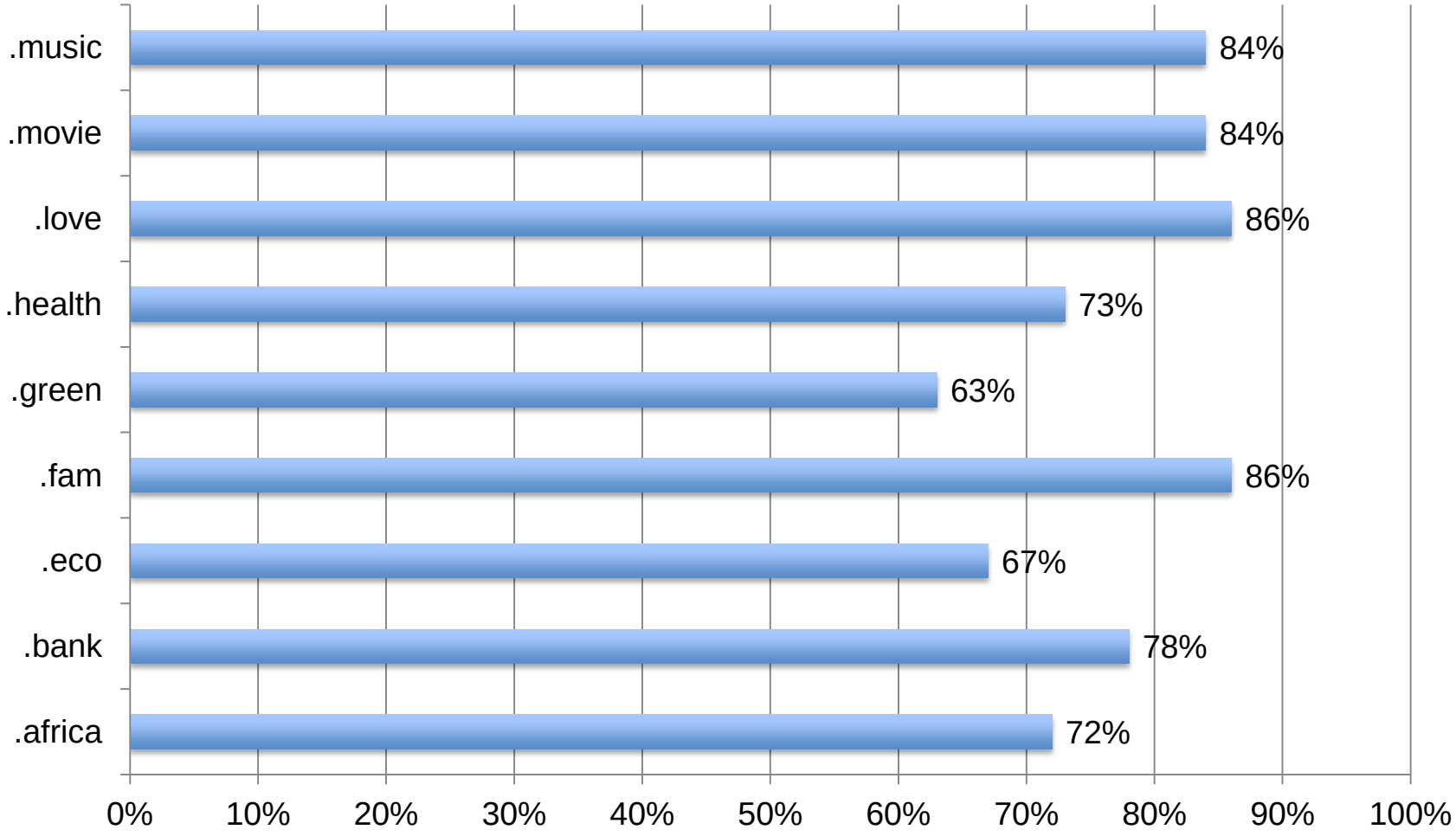

MarkMonitor

# Brand Protection Impact of gTLD Program?




MarkMonitor®

# No Intent To Register
## (NOT Mutually Exclusive)




MarkMonitor

# Review of IP Protections for New gTLDs

Sarah Deutsch

Vice President, Associate General Counsel, Verizon

# New gTLD Cost and Timing Considerations

J. Scott Evans

Senior Legal Director-Global Brand and Trademark, Yahoo! Inc

# New gTLD Cost and Timing Considerations

J. Scott Evans
Senior Legal Director, Global Brand & Trademarks

YAHOO!®

# Costs

- ICANN
  - Application Fee
  - Recurring Fees
  - Letter of Credit
- Application
  - Consultant
  - Preparation
- Registry Set Up and Management
- Legal Fees

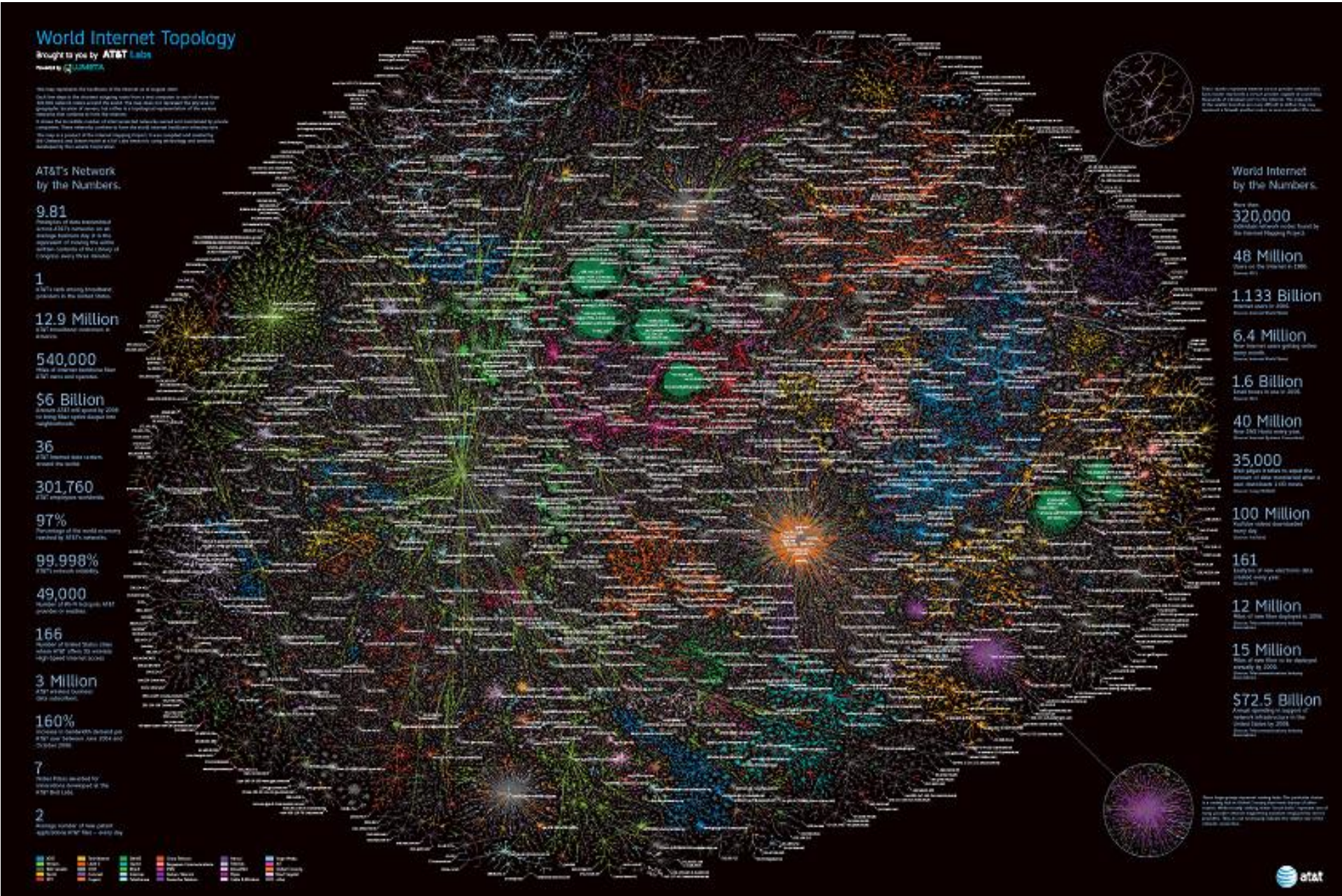
# Estimated Timetable

- AGB Approval Late March/Early April 2011
- Four Month Information Period
- Application Period Opens Fall 2011
- Evaluations begin Q4 2011
- Applications begin entering root Q1 2013

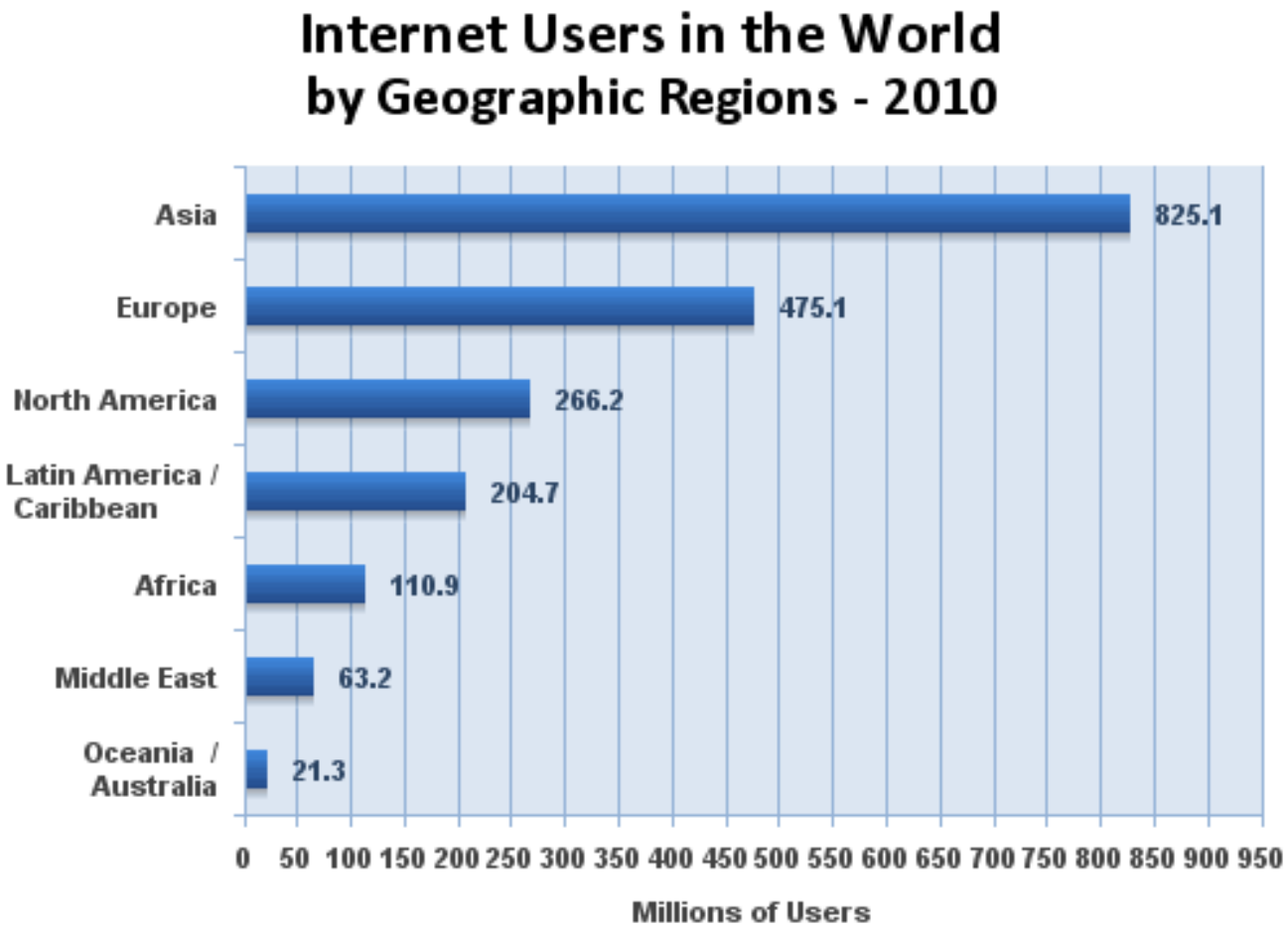
# Decoding ICANN for the Business Community

Marilyn Cade, BC Chair
February 14, 2011

# World Internet Topology

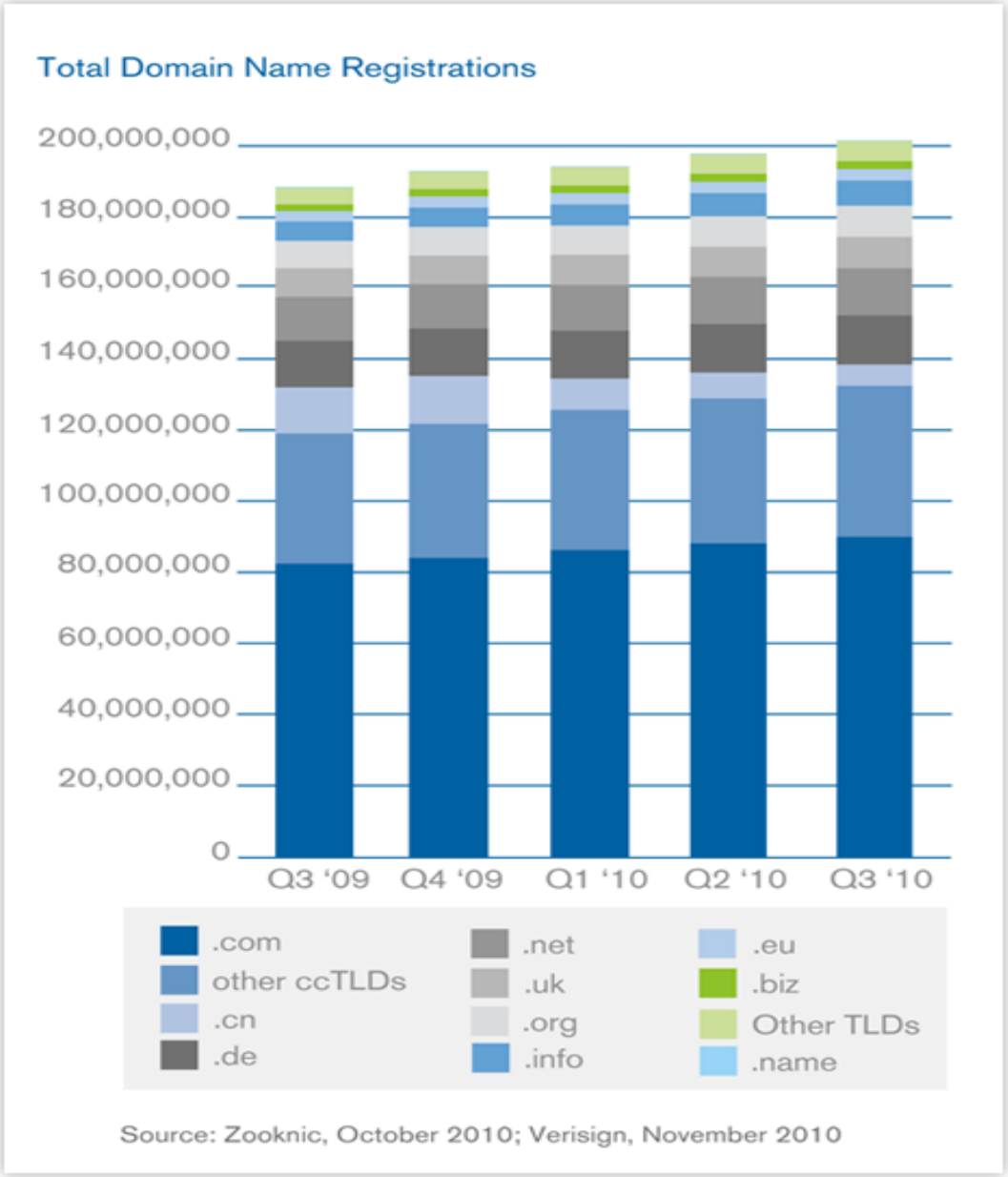


# Internet Users by Region




Source: Internet World Stats - www.internetworldstats.com/stats.htm
Estimated Internet users are 1,966,514,816 on June 31, 2010
Copyright © 2010, Miniwatts Marketing Group

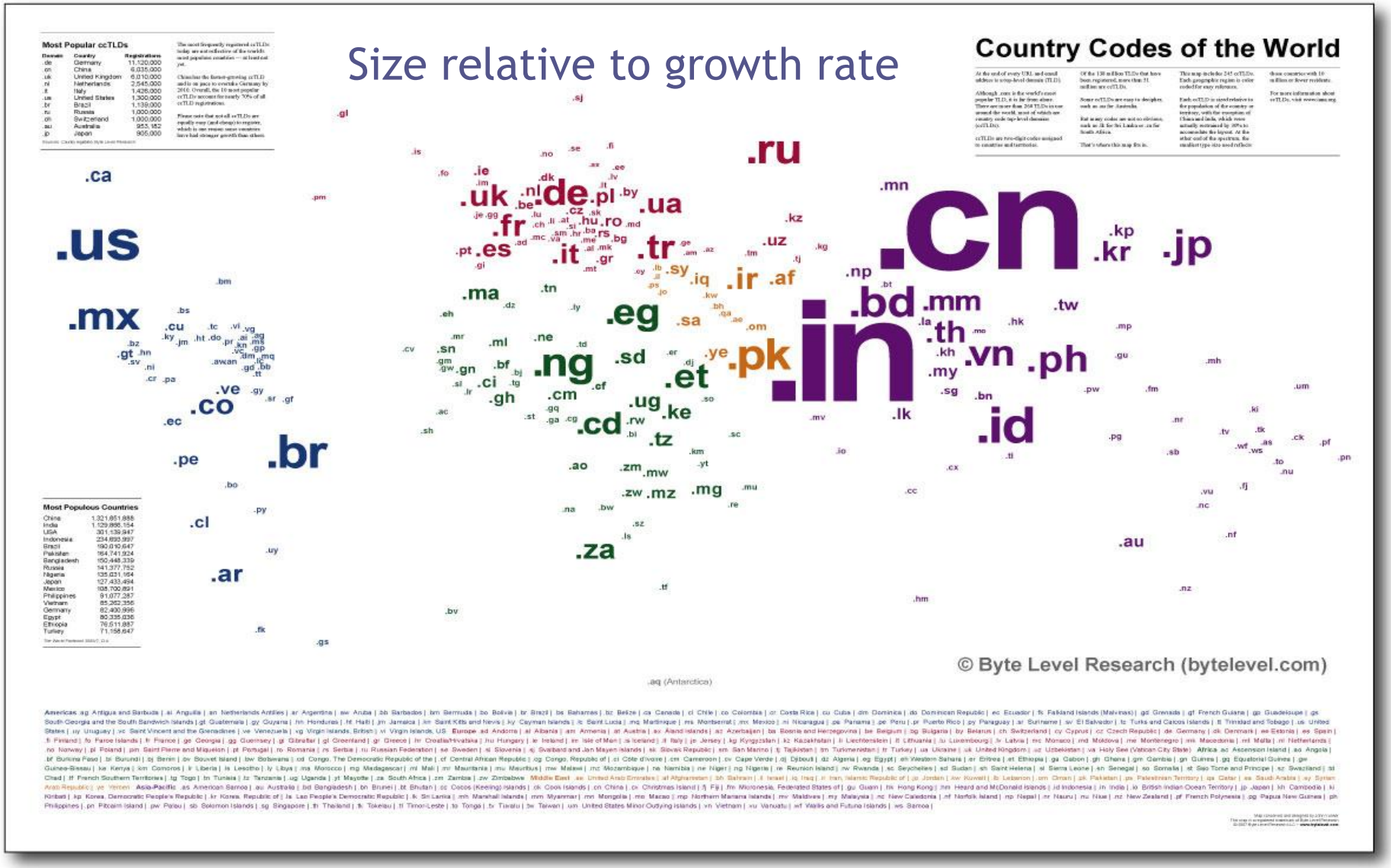
# Domain Names



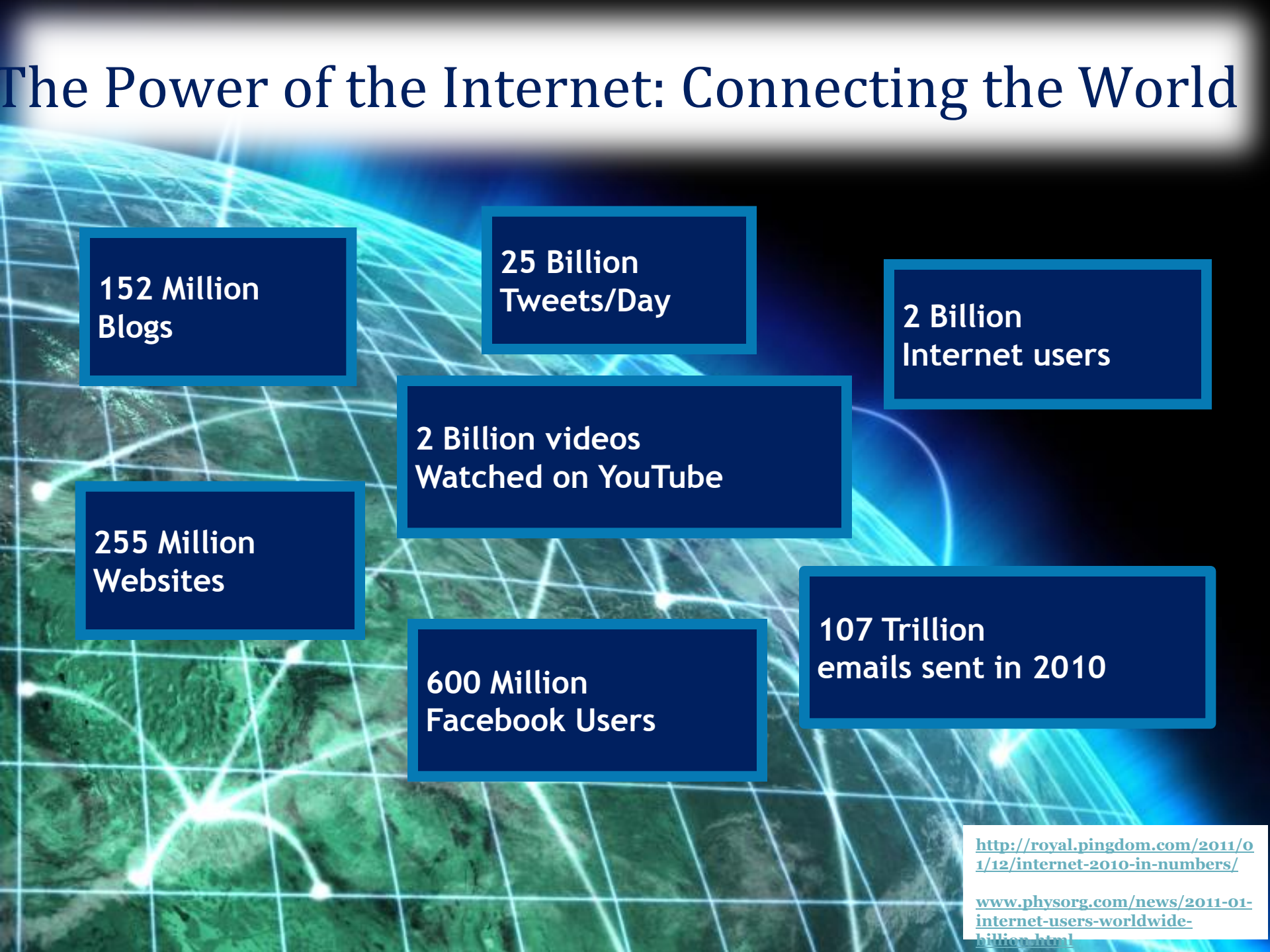

- **88.8 million** – .COM domain names at the end of 2010.
- **13.2 million** – .NET domain names at the end of 2010.
- **8.6 million** – .ORG domain names at the end of 2010.
- **79.2 million** – The number of country code top-level domains (e.g. .CN, .UK, .DE, etc.).
- **202 million** – The number of domain names across all top-level domains (October 2010).
- **7%** – The increase in domain names since the year before.

Source: http://royal.pingdom.com/2011/01/12/internet-2010-in-numbers/

# 245 out of 260+ Country Codes of the World



# The Power of the Internet: Connecting the World

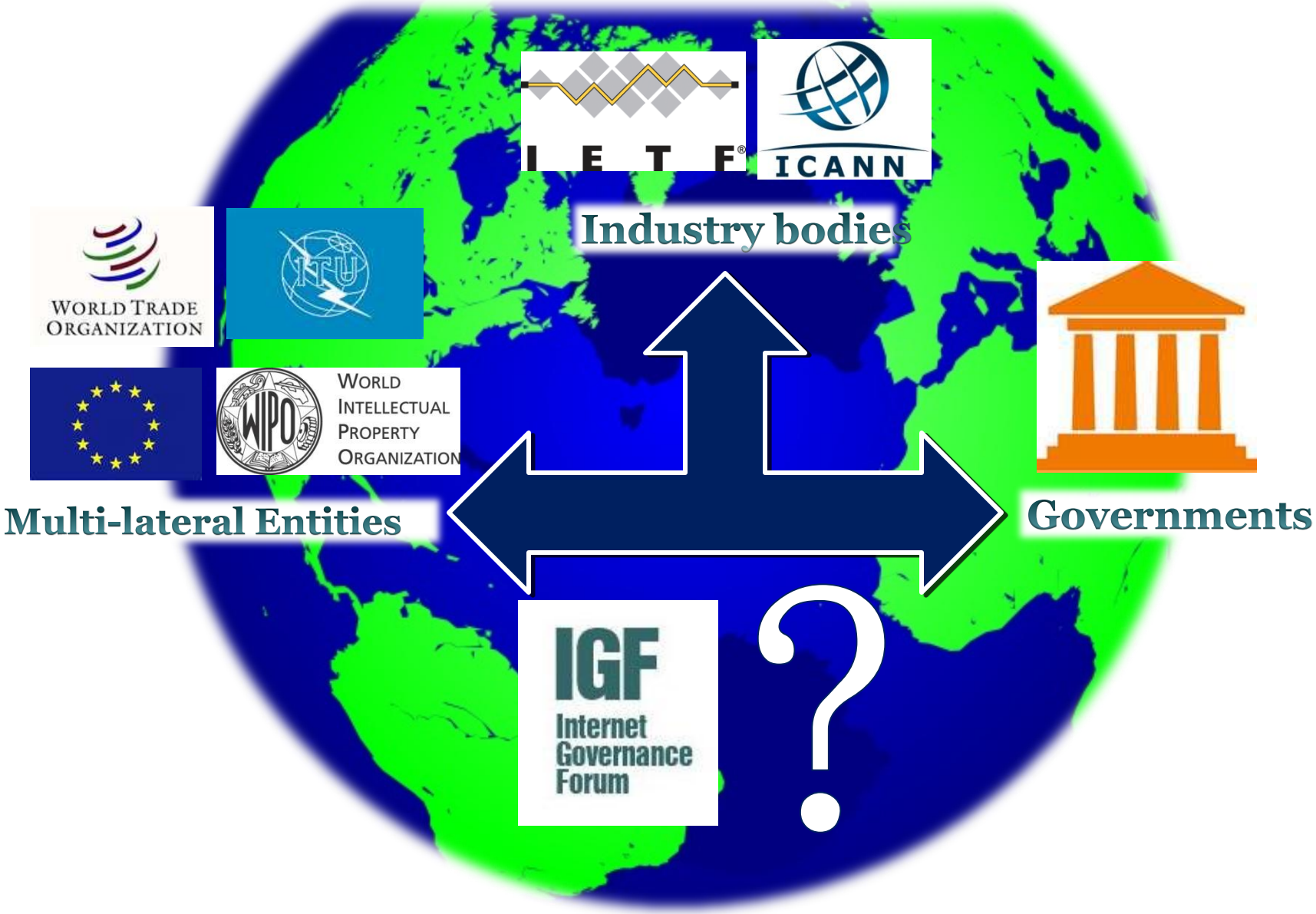



http://royal.pingdom.com/2011/01/12/internet-2010-in-numbers/

www.physorg.com/news/2011-01-internet-users-worldwide-billion.html

# Key International Bodies and Organizations Involved in Telecom, Internet, and E-Commerce Policy

# Who Sets the Rules for the Global Internet?



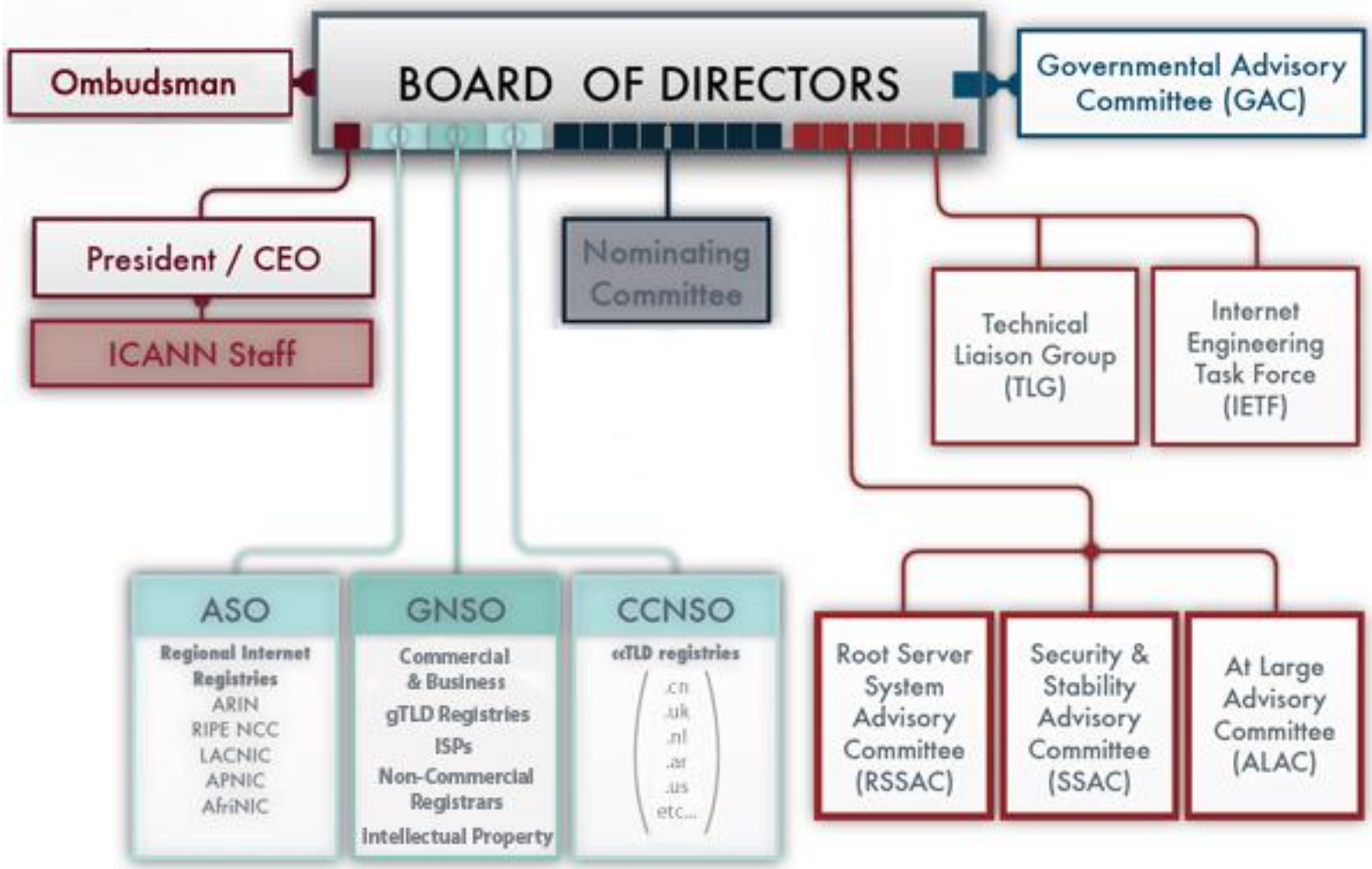
# Internet Corporation for Assigned Names and Numbers

CEO & President, ICANN

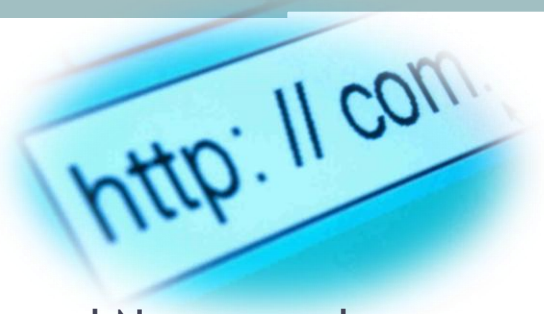
Rod Beckstrom

Chair, ICANN Board

Peter Dengate Thrush


Ombudsman
BOARD OF DIRECTORS
Governmental Advisory Committee (GAC)
President / CEO
ICANN Staff
Nominating Committee
Technical Liaison Group (TLG)
Internet Engineering Task Force (IETF)
ASO
Regional Internet Registries
ARIN
RIPE NCC
LACNIC
APNIC
AfriNIC
GNSO
Commercial & Business
gTLD Registries
ISPs
Non-Commercial Registrars
Intellectual Property
CCNSO
ccTLD registries
.cn
.uk
.nl
.ar
.us
etc...
Root Server System Advisory Committee (RSSAC)
Security & Stability Advisory Committee (SSAC)
At Large Advisory Committee (ALAC)

# ICANN Mission




- The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:
  - ✓ Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
  - a. Domain names (forming a system referred to as "DNS")
  - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers
  - c. Protocol port and parameter numbers.
  - ✓ Coordinates the operation and evolution of the DNS root name server system.
  - ✓ Coordinates policy development reasonably and appropriately related to these technical functions.

# ICANN Initiatives

- New generic top level domain names (gTLD)
- Internationalized domain names: country codes and generics
- Roll out of IPv6/responsible allocation of remaining IPv4 addresses
- DNSSEC-root and throughout the DNS infrastructure
- Contractual compliance
- DNS – deal with risks and threats
- WHOIS
- Improving and strengthening accountability and transparency in governance

# Decoding ICANN for the Business Community

## Commercial Stakeholder Group (CSG)

**IPC** - Intellectual Property Constituency

J.Scott Evans, IPC Chair
www.ipconstituency.org

The ICANN GNSO "Business Constituency"

Marilyn Cade, BC Chair
www.bizconst.org

ISPCP – Representing ISPs and Connectivity Providers
Tony Holmes, ISPCP Chair

# ICANN Meeting – San Francisco, March [11/12] 13-18, 2011

- Venue:  Westin St. Francis
- ICANN Meetings – begin with working sessions over week end
- Meeting officially begins on Monday with Plenary/Welcoming session
- Key Sessions: Tuesday – Constituency Day of meetings, closes with Governmental Advisory Committee/Board Interaction
- Workshops and sessions Monday p.m./Wednesday, Thursday – Board-GAC session on new gTLDs followed by Public Forum of Board/Community
- Tuesday night – Music Night; Wednesday night - GALA
- Friday – Board meets in public environment

# Future Meetings of ICANN

## 2012

- October 14-19 — North America
- June 24-29 — Europe
- March 11-16 — Latin America

## 2011

- October 23-28 — Africa
- June 19-24 — Asia [Jordan/TBC]
- March 13-18 — North America

# ICANN Resources

- www.icann.org
- www.gnso.icann.org
- ICANN Policy Updates – via ICANN site
- ICANN staff – see ICANN site for full list
- ICANN Newsletters
- Constituencies websites and activities