

ICANN WP - HR

SG2

14th January, 2016

Points of Discussion

- Mandate
- Output
- Potential topics

Mandate

- How do we define our mandate?
It currently reads, ““To document cases and examples in which ICANN is potentially impacting human rights.””

Output

- What should our output for Marrakesh be?
 - SG2 participants could divide topics amongst ourselves and document cases of violations/potential violations
 - This could be done within the next 2 weeks where we prepare a preliminary draft and schedule another call to discuss findings
 - We could follow this up by categorizing findings under different heads (free speech, privacy, access, affordability, digital divide, transparency)

Potential Topics

1. The new gTLD Subsequent Procedures PDP:

In the Preliminary Issues Report (31 August 2015), a set of 30+ issues have been set out. The following issues are missing or inadequately dealt with:

(a) WHOIS privacy;

(b) Freedom of expression considerations wrt to gTLD applications, string contention and dispute resolution. This issue is noted in the Preliminary Report, and references the CoE report on ICANN and human rights (October 2014), but does not consider the list or scope of issues involved.

2. UDRP

In Clause 4(a) on Mandatory Administrative Proceedings for Applicable Disputes, the scope of applicable disputes is limited to trademark-related disputes. Issues surrounding freedom of expression, privacy, community interests in a domain name, geographical interests in domain names, etc. are not addressed.

3. Name Collisions Management Framework

The framework does not set out a process to hear parties with colliding names, but only authorises registries to undertake controlled interruption.

4. WHOIS and privacy, in light of the new PDP

5. gTLD Registration Data Services (RDS) -

<http://gnso.icann.org/en/group-activities/active/rds>. There are WHOIS

data access and accuracy questions. Not at public comment stage.

6. New gTLD Subsequent Procedures -

<http://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>.

Issues of access & affordability, etc. PDP hasn't started yet. Preliminary Issues Report filed.

7. Proposed Implementation of GNSO Thick Whois Consensus Policy Requiring Consistent Labeling and Display of RDDS (Whois) Output for All gTLDs -

<https://www.icann.org/public-comments/rdds-output-2015-12-03-en>.

Public comment is open and closes in 2 weeks. WHOIS privacy and access to domain name holder's data.

8. Geographic Regions Review Working Group - <https://www.icann.org/public-comments/geo-regions-2015-12-23-en>.
Public comment period ongoing. Issues of substantive v. formal representation/inclusiveness, of proportional representation based on (for ex) number of Internet users across the continents.

9. Preliminary Issue Report on a GNSO Policy Development Process to Review All Rights Protection Mechanisms in All gTLDs - <https://www.icann.org/public-comments/rpm-prelim-issue-2015-10-09-en>.
Public comment for Prelim Issue Report is closed, but PDP continues. This will affect UDRP, Rapid Suspension procedure and other rights-protection measures for the gTLDs.

10. IAG Initial Report and Proposed Revisions to the ICANN Procedure for Whois Conflicts with Privacy Laws -

<https://www.icann.org/public-comments/iag-whois-conflicts-privacy-2015-10-05-en>.

Public comment complete for this report.

11. Phase 1 Assessment of the Competitive Effects Associated with the New gTLD Program -

<https://www.icann.org/public-comments/competitive-effects-assessment-2015-09-28-en>.

5-09-28-en.

Public comment period complete. Affects affordability, etc. Within ICANN, this will be considered alongside the Competition, Consumer Trust and Consumer Choice (CCT) review of the New gTLD Program.

Closed PDPs with potential rights violations

1. Locking of a Domain Name Working Group - <http://gnso.icann.org/en/group-activities/active/locking-domain-name>.
Potential violations of free speech.
2. Thick WHOIS - <http://gnso.icann.org/en/group-activities/active/thick-whois>. With questions about access to registrant WHOIS information and privacy.

