

I C A N N
POLICY FORUM

59

JOHANNESBURG

26–29 June 2017



Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process (PDP)

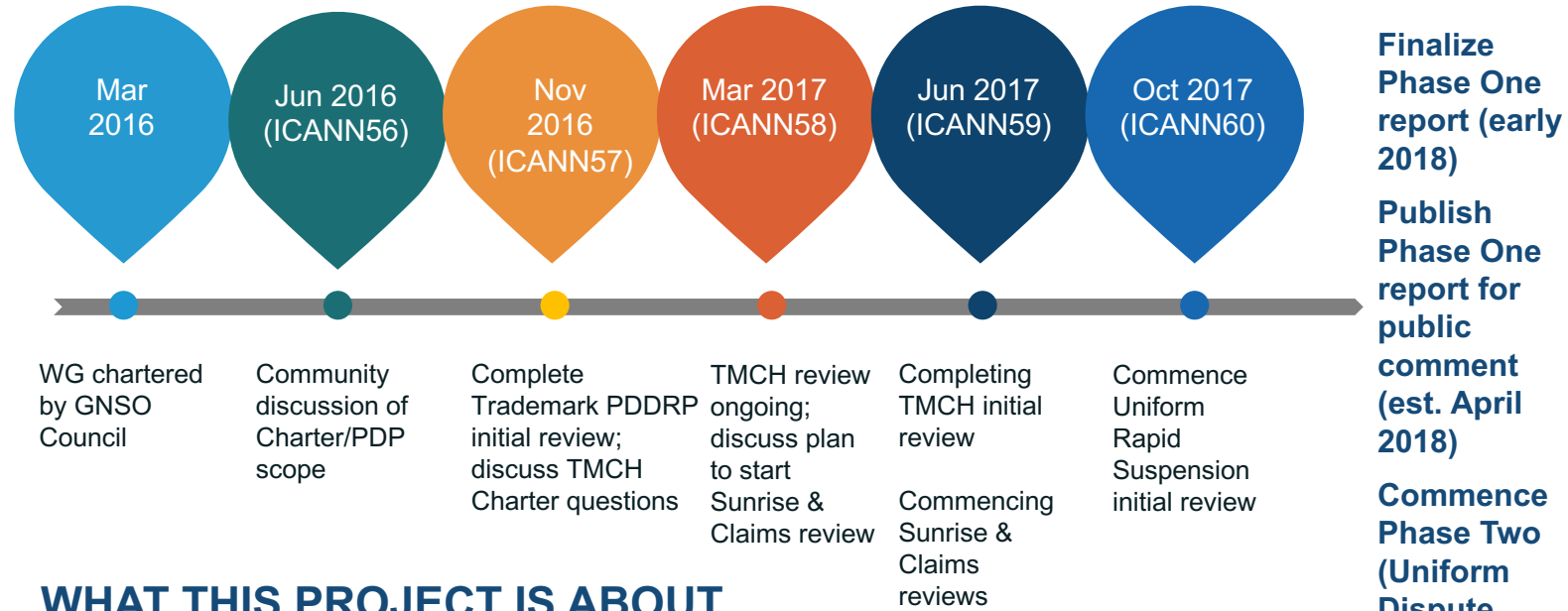
GNSO Working Session @ICANN59

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PDP Working Group Co-Chairs

26 June 2017



OVERVIEW: Project Timeline & Major Milestones



WHAT THIS PROJECT IS ABOUT

This PDP was chartered by the GNSO Council to review all the Rights Protection Mechanisms (RPMs) that are currently in operation

- Phase One focuses on the RPMs created for the 2012 New gTLD Program
- Phase Two on the 1999 Uniform Dispute Resolution Policy (which applies to all gTLDs).

What are the current challenges? (1/2)

1. Timeline and Participation:

- ⦿ Phase One timeline has been extended – report expected to be published for public comment in April 2018, submitted to GNSO Council at end-Q2, 2018
 - *Working Group is aware of need to coordinate with other parallel efforts, especially timeline for New gTLD Subsequent Procedures PDP*
 - *Working Group awaiting final report from Competition, Consumer Choice & Trust Review Team (initial report had referred to this PDP but noted the need to refine recommendations based on data not yet available at the time)*

2. Challenges with Data Collection:

- ⦿ No comprehensive or unified source of data on RPM use and effectiveness – time and resources needed to identify, collect and analyze data (although work by Analysis Group and others are helpful)
- ⦿ Not easy to obtain data from registry operators or registrars – possibly due to concerns over confidentiality and competitive advantage
- ⦿ Increasing requests to Contracted Parties, ICANN community groups and ICANN contractors for data by more Working Groups and Review Teams could further delay or exacerbate problem

3. PDP deals with legal issues of longstanding community interest with divergent views from various perspectives

- ⦿ Revisiting history (the perceived need to reiterate arguments from the time when these RPMs were developed), lack of knowledge about the history of the RPMs among newer participants, and the need to manage various strongly-held views has led to some delay in progress

4. Managing participation levels and ensuring equal participation by a large number of members

- ⦿ Not unique to this PDP, but potentially problematic here due to lack of legal and background knowledge among some members, and occasional robust, lengthy or time-consuming (e.g. multiple emails in a short span of time) arguments that discourage participation by those with less time or who believe they do not have the necessary knowledge to contribute

How can the GNSO Council and community assist?

- ⦿ Working Group has identified data gathering (possibly including professional survey design) as a priority
 - *This may require budget and additional resources (e.g. using the new GNSO Data & Metrics Request process)*

- ⦿ Working Group requires data from Registries, Registrars, Registrants, other ICANN SO/ACs and ICANN contractors
 - *Request that GNSO Council manages (minimizes) too many outreach requests and manages their timing across the various GNSO PDPs*

- ⦿ Working Group will need additional face to face meetings at all ICANN Public Meetings through mid-2018, in order to complete Phase One
 - *GNSO Council requested to schedule these meetings at ICANN60, 61, 62 (duration of each to be confirmed with Working Group co-chairs)*

ICANN59 Working Group sessions and background information

- Open Working Group meeting/community session on **Thursday 29 June 2017, 0900 – 1200, Ballroom 2**: <http://sched.co/B49M>
- Background information: <https://gnso.icann.org/en/group-activities/active/rpm>
- ICANN59 Background Briefing Paper: <https://gnso.icann.org/en/issues/policy-briefing-rpm-review-19jun17-en.pdf>
- Working Group Charter: <https://community.icann.org/x/2CWAAw>
- Working Group online wiki space (with meeting transcripts, call recordings, draft documents and background materials, including from all Working Group Sub Teams):
<https://community.icann.org/x/wCWAAw>