

# GNSO Liaison Reports 2011

## GNSO Council Meeting - 15 December 2011 - to be posted

### GNSO Council Meeting - 17 November 2011

**Agenda:** <http://gns0.icann.org/meetings/agenda-council-17nov11-en.htm>

**Motions:** <https://community.icann.org/display/gnsocouncilmeetings/Motions+17+November+2011>

**MP3:** <http://audio.icann.org/gns0/gns0-council-20111117-en.mp3>

**Minutes:** <http://gns0.icann.org/meetings/minutes-council-17nov11-en.pdf>

**Overview:** Once again, a very heavy agenda, which due to either skill or luck, was completed within moments of the 2 hour limit. Substantive issues on interest to At-Large included a discussion of outreach, the UDRP and IP rights protection issues and the Dakar Board resolutions related to the RAA

**Outreach:** One of the issues included in the GNSO improvements following their last review was a need for more pro-active outreach to get more people involved. The work effort presented was the result of nearly two years of periodic discussion. The proposed motion was, in my mind, rather innocuous, calling for the chartering of a group to do further work. It resulted in significant discussion with surprising opposition, not so much because of what it said, but what could be read into it. Of particular worry to some was the implication that outreach would be "centralized" instead of being the responsibility of the SG/Constituencies. The motion ultimately failed. Although virtually all parties felt that outreach was important, many felt that the motion and charter needed to be refined. Presumably a revised version may be moved in a future meeting, but that is not 100% clear.

**UDRP:** There have been proposals to review the UDRP, one of the oldest consensus policies that has never been reviewed or modified substantially. Those supporting an immediate review believe there are problems that should be looked at now. Those against it feel that with the new rights protection mechanisms being developed for new gTLDs, all of them should be reviewed at the same time (requiring a delay to gain some experience with the new ones).

The first motion was in line with those who want an immediate review and called for a targeted review of the UDRP with specific goals. The motion was rejected. The second motion called for an Issue Report to be requested on all of the rights protection mechanisms to be delivered 18 months after the launch of the first new gTLD (I was the one that proposed this middle-ground during the Dakar meeting). There was a proposed amendment because there was a concern that 18 months could pass, but with little use of the new mechanisms. A deferral of vote was requested and as per standard GNSO Council procedures, it was deferred (only one such deferral is allowed). With work done to refine the wording prior to the next meeting, I expect the motion to pass at that time.

**RAA:** In Dakar, the Board noted that Registrars and ICANN staff had announced that they would enter into discussions (with abundant feedback to the community) on a number of RAA revisions deemed to be high priority in the RAA Drafting Team report, and requested an Issue Report "to address remaining items suited for a PDP" - <http://www.icann.org/en/minutes/resolutions-28oct11-en.htm#7>. This is the first time that the Board has ever exercised its right to request an Issue Report. Work is underway on the Issue Report and ICANN staff presented their current thoughts on it. They are viewing it very narrowly as referring to the items in the DT report that have not otherwise been addressed.

The Board rationale for the motion starts with the sentence "*The Board wishes to convey its sense of urgency on this issue.*" With respect to the Law Enforcement aspects, the GAC Communique used the expression "*extreme urgency*".

It is expected that the Preliminary Issue Report will be released VERY soon, and will have a comment period ending in late December or early January.

I would strongly suggest that the ALAC put together a group to review that report and be prepared to comment on the Preliminary Issue Report. Of particular import are the issues that At-Large felt strongly about that were not included in the prioritized list of outcomes.

## ICANN Meeting - Dakar, Senegal - 22-28 October 2011

To be posted shortly.

### GNSO Council Meeting - 26 October 2011

**Agenda:** <http://gns0.icann.org/meetings/agenda-council-26oct11-en.htm>

**Motions:** <https://community.icann.org/display/gnsocouncilmeetings/Motions+26+October+2011>

**Transcripts:** <http://dakar42.icann.org/meetings/dakar2011/transcript-gns0-council-public-1-26oct11-en.pdf>, <http://dakar42.icann.org/meetings/dakar2011/transcript-gns0-council-public-2-26oct11-en.pdf>, <http://dakar42.icann.org/meetings/dakar2011/transcript-gns0-council-public-new-26oct11-en.pdf>

**MP3:** Available through the Dakar Meeting Schedule

**Minutes:** <http://gns0.icann.org/meetings/minutes-council-26oct11-en.pdf>

Detailed report to be posted shortly.

### GNSO Council Meeting - 22 September 2011

**Agenda:** <http://gns0.icann.org/meetings/agenda-council-22sep11-en.htm>

**Motions:** <https://community.icann.org/display/gnsocouncilmeetings/Motions+22+September+2011>

**MP3:** <http://audio.icann.org/gnso/gnso-council-20110922-en.mp3>

**Minutes:** <http://gnso.icann.org/meetings/minutes-council-22sep11-en.pdf>

**Overview:** The agenda was quite heavy with perhaps a record number of motions. The meeting ended up being very effective, with all issues addressed and the meeting ending on time. Substantive issues on interest to At-Large included a proposal that originated in the IRTP-B PDP to investigate requiring thick WHOIS from all registries, the JAS New gTLD Applicant Support Report and a proposal from the Registrar SG to change the RAA in line with a number of issues requested by Law Enforcement.

**Thick Whois:** All registries under the new gTLD program will require thick WHOIS (where the registry keep all of the data instead of most data residing at the Registrar). Most existing gTLDs also use thick WHOIS, with the exception of the registries operated by Verisign. The IRTP-B PDP recommended that a PDP be initiated to require that thick WHOIS be used for these registries as well. The proposal is somewhat controversial because there is some objection to staging a full-blown PDP because of one organization's practices. However, it is felt by others that this is the only mechanism that could achieve the desired result. A motion was passed to request that ICANN staff create an Issue Report on requiring Thick WHOIS for all registries. An Issue Report is the first step in launching a Policy development Process (PDP).

**IRTP-C:** This is the third stage of the process to investigate a large number of issues related to Inter Registrar Transfer Processes (IRTP). IRTP-C involved three issues:

- Issues surrounding "change of control" - essentially the processes by which the registrant of record for a domain is changed. Although not an IRTP function (which is strictly the change of Registrar), change of registrant is often done in the same time-frame.
- Issues related to time-limiting a FORM of Authorization (FOA), the mechanism used to effect IRTP transfers. If the FOA is not exercised immediately (for instance if the name is locked), it may be used at some undefined later time possibly resulting in a fraudulent transfer.
- IANA Registrar IDs: ICANN Registrars are assigned IANA IDs, but these IDs are not used for transfers, rather registry proprietary IDs are used, resulting in a number of potential and actual problems.

There are domain hijacking implications with the first two subjects.

The GNSO Council approved the initiation of a PDP and A Working Group will be convened. Once the solicitation is done, it should be widely distributed in At-Large. Although the issues are highly technical, involvement by At-Large would be beneficial.

**JAS:** The GNSO approved the transmission of the JAS Report to the Board. Due to the short time since the report had been issued, SG had not thoroughly studied the report and the motion gives the GNSO the right to forward comments on the report at a later time. This is essentially the same action that the ALAC took in forwarding the JAS 2nd milestone report to the Board.

**Consumer Choice, Competition, and Innovation (CCI):** This is an activity in response to the December 2010 Board motion requesting advice from the GNSO, ccNSO, ALAC and GAC on establishing the definition, measures, and three year targets for those measures, for competition, consumer trust and consumer choice in the context of the domain name system. A WG is now formally created. Charter: <http://gnso.icann.org/drafts/ci-charter-07sep11-en.pdf>. This is intended to be a joint WG, but should no other SO.AC approve the charter, it will be a GNSO WG. Presumably, the ALAC will be invited to co-sponsor.

**RAA Amendments for Law Enforcement:** The RrSG have been discussing a number of possible RAA amendments. One set concerns registrars identifying themselves clearly and unequivocally. Although it is not entirely clear that a full-blown PDP is required, when a alternative faster-path alternative was proposed, there was much suspicion and worry. As a result, the RrSG decided to use the standard PDP process. This is unfortunate as it will take significantly longer. An Issue Report has been requested, which is the first step in a possible PDP.

**WHOIS Tools Survey:** There have been extensive discussions surrounding WHOIS tools and services. A WHOIS Survey WG is being convened to design a survey to further understand the needs