# Pre-ICANN69 GNSO Working Session

6 October 2020

# Agenda

**1**

Welcome and Introduction

Presenter: Keith Drazek

**2**

Review of All Rights Protection Mechanisms in All gTLDs PDP

Presenters: RPM Leadership

**3**

GDS Update on Policy Implementation

Presenter: Karen Lentz

**4**

Council Prep for Joint Sessions at ICANN69

Moderator: Keith Drazek

**5**

Questions & Answers

Moderator: Keith Drazek

# Introduction

# RPMs Working Group Update

# Current Timeline



Dec 2016 TM-PDDRP Review Complete | Oct 2018 URS Review Complete | July 2019 TM Claims & Sunrise Review Complete | Oct 2019 TMCH Review Complete | Oct-Mar 2020 Finalize & Publish Initial Report | May-Oct 2020 Review Public Comments | End-Nov 2020 Final Report to GNSO Council

- Chartered in March 2016 to conduct a two-phased PDP
- Phase 1 – RPMs applicable to gTLDs launched under the 2012 New gTLD Program:
  - Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP)
  - Trademark Clearinghouse (TMCH)
  - Sunrise and Trademark Claims offered through the TMCH
  - Uniform Rapid Suspension (URS) dispute resolution procedure.
- Phase 2 – UDRP (an ICANN Consensus Policy since 1999)
- Aiming to complete Phase 1 by **End-November 2020 (new 40-day extension granted in September 2020 in addition to 5.5 months previous extension)**

# Current Timeline (Cont.)

- **May – Early September 2020**: Review Public Comments from 55 contributors
    - Two Sub Groups worked hard and in parallel to review public comments for preliminary recommendations and questions for community input
    - Full Working Group throughout the summer met (and continue to meet) twice-weekly in 90-minute sessions to review
    - Public comments for individually-submitted proposals, overarching charter questions, and general input for the Initial Report
        - Two Sub Groups' suggestions & public comment review outcome
        - EPDP Phase 1 Recommendation 27 Wave 1 Analysis & CCT-RT Recommendations
- **Mid September – Mid-November**:
    - Finalize Phase 1 Recommendations
    - Conduct Consensus Call
    - Complete Final Report
- **End-November**: Submit Final Report to GNSO Council

# What are the current challenges and issues?

**Public Comment Volume:** Extensive public comments need to be taken into account when finalizing recommendations.

**Divergence:** Even after 4 years, our members continue to be active, involved, and representing groups from across the diversity of ICANN's Community. On these difficult issues, members hold strong, divergent opinions; it's sometimes difficult to reach consensus and disagreements about the level of support; tendency to wordsmith recommendation and contextual language.

**Relitigate Issues:** From time-to-time there is a temptation to re-open previously discussed topics and proposals lacking wide support at the full WG level; use tactics to stall progress.

**Time Management:** Leadership spends a long time bringing diverse positions together, debating process issues, and uncompromising positions, trying to streamline materials for Community, which caused the WG to behind in work plan and projected timeline, resulted in the submission of a second Project Change Request to the GNSO Council and the 10th revised work plan.

# How are the challenges and issues being addressed?

**Working Group Co-Chairs Commitment**

- Commit to <u>work together</u> with the common goal to complete Phase 1 on time **(practically, this may mean continuing to allow a decision to be made by two of the three as opposed to all three Co-Chairs)**;
- <u>Understanding that there may be consequences</u> for the work if this is not done (e.g., **suspension of the PDP, resignation of one or more co-chair(s), suspension of ICANN Staff support**);
- <u>Be firm with the Working Group</u>, and <u>do whatever needs to be done</u>, in order to deliver the Final Report in a timely manner;
- <u>Develop a detailed plan</u> to produce the Initial Report, review comments and produce a Final Report and <u>clearly communicate this process</u> to working group members.

# How can the Council and community assist?

| Challenge | Assistance |
|---|---|
| Divergence | • Push members to find mutual ground, accept disagreement, and move forward |
| Relitigating Issues | • Enforce rules against reopening closed topics |
| Time Management | • Closely monitor timeline<br>• Urge participants to be accountable and refrain from engaging in debates that are unproductive |
| Working Group Co-Chairs Commitment | • Support and thank Working Group Members for hard and diligent work over a long period of time<br>• Hold Working Group Co-Chairs accountable<br>• Closely monitor progress against its work plan<br>• Provide guidance when there is challenge<br>• Be willing to step in to ensure timeline is met<br>• Enforce consequences if the Final Report is not delivered on time<br>• We are in the final lap and dedicated to completion |

# What to expect at ICANN69

- Two open meetings at ICANN69:
  - **Tuesday, 13 October 2020**
  - **Working Sessions: 14:00-15:30 CEST/12:00-13:30 UTC and 16:00-17:00 CEST/14:00-15:00 UTC (Zoom 7)**
- Begin reviewing draft Final Report
- All community members are welcome to attend
- **ICANN69 Schedule:** https://68.schedule.icann.org/

# Further Information

- GNSO Project Page:
  https://gnso.icann.org/en/group-activities/active/rpm

- Working Group Wiki: https://community.icann.org/x/wCWAAw

- Working Group Charter:
  https://gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf

- Working Group Work Plan: https://community.icann.org/x/wBeOAw

# Update on Policy Implementation

# Work in Progress

**01**

**Registration Data Policy (EPDP Phase 1)**

- Interim Registration Data Policy in effect
- IRT active since May 2019
- Scope of policy recommendations

**02**

**Protection of IGO and INGO Identifiers**

- Protection of IGO and INGO Identifiers in All gTLDs Policy
- Revised 18 Feb 2020 for Red Cross/Red Crescent names
- INGO Claims Specification development pending

**03**

**Proxy & Privacy Services Accreditation Issues**

- Completing review of impact per EPDP Ph 1 Rec 27
- Findings
- Next steps

**04**

**Translation & Transliteration of Contact Information**

- Completing review of impact per EPDP Ph 1 Rec 27
- Findings
- Next steps

# EPDP Phase 1 Implementation Scope

## Registration Data Policy drafting

- IRT discussions

## Reports & studies

- Data retention
- Data retention waiver process
- Legal/natural persons differentiation

### EPDP Phase 1

## Data protection arrangements

- With contracted parties
- With 3rd party providers

## Impacted policies & procedures

- Wave 1 (Report + document updates)
- Wave 1.5
- Wave 2

# Upcoming

**Pending Board action**
- EPDP Phase 2
- IGO-INGO Access to Curative Rights Protection Mechanisms

**Current PDPs**
- New gTLD Subsequent Procedures
- Rights Protection Mechanisms

**Other Pending**
- Transfer Policy
- Internationalized Domain Names (IDNs) - Policy & Operational tracks
- Updates per Rec 27

# NEW:  Proposed Operational Design Phase

Scope:

- Occurring between GNSO approval of gTLD policy recommendations and Board vote
- May not be needed for all GNSO policy efforts - only those where ICANN org believes implementation will be very costly or complex
- Purpose is to provide the Board, prior to its decision, with operational information (e.g. cost estimates, timing, level of effort)
- ICANN org develops operational information to share with community feedback group
- Does not replace the Implementation Review Team (IRT) - IRT formed at the actual implementation phase upon Board approval of policy recommendations

# ICANN69 GNSO Bilateral Meeting Prep

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## BOARD

- EPDP Phase 2
- EPDP-Phase 1 IRT - Rec7
- EPDP Phase 1 - Recommendation 12 Supplemental Recommendation
- Board-suggested topic: Enhancing the effectiveness of the Multi-stakeholder model: key issues and opportunities for acceleration.

## ccNSO

- IDNs (CCNSO PDP4, GNSO IDNs Tracks 1 & 2)
- FY21 Budget and Ops Plan coordination
- ccNSO Board recall guideline and potential future collaboration to change the ICANN Bylaws.

## SSAC

- DNS Abuse
- Next steps for EPDP
- Private use TLD
- Subpro
- Meta discussions on SSAC Advice

# Questions?