



Report on

ICANN54

Dublin

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Executive Summary

ICANN54 in Dublin was a well-attended (2000 participants) and perfectly organised meeting. It differed from other ICANN meetings because most of it was spent on one single topic: the ICANN Accountability improvements.

These improvements are the keystone to ensure that the earlier proposal for the IANA Stewardship Transition (IST) would be acceptable to both the community and the NTIA.

Accountability

Both the GAC and the ccNSO spent over 50% of their meeting time discussing the status and open issues in the ICANN Accountability improvement work.

The CCWG-Accountability made significant progress throughout the ICANN Dublin meeting, fine-tuning details and models and finding consensus between the participants. When the [Co-Chairs presented the results](#) of this intense week, they received a standing ovation from the ICANN Open Forum participants.

The initial feedback from the CWG-IST and the ccNSO community seemed to indicate that the requirements put forward in the IANA Stewardship proposal have been met.

The next step for the group will be to draft a new proposal, including the newly agreed elements. This proposal can be expected by mid-November. A new public comment period will follow, running in parallel with a consultation of the SOs and ACs. This would lead to the finalisation and submission of the proposal to the Board by the end of January.

One element that needs to be solved by the GAC is the “stress test 18” solution. In essence, this comes down to the question if, in order to avoid future distortion of the balance of power in ICANN, the GAC should be requested to accept a Bylaw change that restricts its freedom to decide on consensus mechanisms in the future.

GNSO high level summary

As the GNSO was the only group that did not mainly focus on accountability, it is worth highlighting their other work.

- They postponed work on the next generation WHOIS (RDS)
- They are moving forward with the work on right protection mechanisms (RPMs)
- An Issue Report was published with a set of issues to determine if any policy changes were needed in order to accommodate a next round of new gTLDs. The Registry Stakeholder Group is generally keen on seeing another round soon.
- Still discussing process on how ICANN should decide to spend the money received following new gTLD auctions.
- The Geo-TLD Interest Group is increasingly formalising its process with discussions on membership and fees.
- The GNSO failed to select a new Chair as none received the needed majority.
- The GNSO congratulated the outgoing Chair, Jonathon Robinson.

Details can be found in the GNSO section of this CENTR report.

Other News

ICANN is becoming more and more a forum to discuss wider policy issues (such as intellectual property rights and combatting online criminal activity). It was very interesting to hear the outgoing CEO Fadi Chehadé point out at the opening ceremony that ICANN is responsible for the technical layer only. This trend cannot only be deducted from the agenda items (i.e. legal cases in the ccNSO, public safety forums, safer online pharmacy meeting) but also from the increasing numbers of intellectual property advocates on the attendants’ list.

Topics covered by all SOs and ACs

CCWG-Accountability

GNSO perspective – The GNSO was briefed by Thomas Rickert on the status and progress of the CCWG on Accountability on the first Sunday at ICANN54 (meaning things would most likely be different by the end of the meeting). This section covers several points made by GNSO councillors during the session.

In general, the GNSO engagement at Council level has been relatively limited as compared to, for example, the ccNSO's involvement and discussion. There were questions around the single member and designator models, as well as the link to the Board fiduciary duty (for example, if in a point of dispute the Board could rely on saying what they did was within their fiduciary duty). The importance of stress test 18 (see GAC perspective below) was also highlighted in ensuring non-capture by governments. Another point was made related to the possible impact the US elections in causing a delay.

The GNSO also took the time also to formally congratulate the work of the group as well as re-iterate their support for the process during their Council meeting through the adoption of a [motion](#).

[Presentation slides](#) (*content outdated at the time of publication of this report on 23 October 2015*)

GAC perspective – The major points of discussion among the GAC circled around four issues: (1) the role of the GAC in the empowered community structure (including the community forum); (2) stress test 18 and bylaw changes; (3) “private-sector led” vs. “multistakeholder” and (4) a narrow mandate in the bylaws.

Discussions started on points (1) and (3): the “pre-call”, i.e. alert system was explained as well as the extensive escalation path as a means to avoid and prevent the launch of a decision-making process – and seemed to be largely appreciated. The GAC (on Saturday) were not convinced that the CCWG was resolved to move away from voting. In addition, the GAC feared that by focussing too much on ICANN's technical mission, many issues of “public interest”/“public policy” would not be included, e.g. child protection and consumer protection. Points (2) and (4) dominated discussions on Tuesday and Wednesday, culminating in statements of outright frustration and anger at the meeting with the ICANN Board.

Some GAC members clearly voiced their disappointment at the lack of trust towards its Committee and anger at those telling them how to take decisions and accusing them of capture. Some GAC members feared that, with regards to stress test 18, accountability of ICANN was to be enhanced at the expense of the role of governments (e.g., Brazil, Argentina, Russia and China). Others supported stress test 18 as it is now (e.g., the United Kingdom), others were indifferent (e.g., The Netherlands, Denmark and Germany). A procedure-focused Gonzalo Navarro was not able to calm down the GAC's nerves. It needed an “apology” by Fadi Chehadé on behalf of “people in the community” that made inappropriate statements and tried to “divide us”, adding that “the mention of capture is offensive”. Stress test 18, he clarified, was “simply to keep the current practice”. The GAC continued their discussion looking at proposals for amendments to stress test 18 by different GAC members. They agreed on keeping the document internal, but to convey the message to the CCWG that they would continue working on the proposal with a view to including comments during the expected third public comment period (in November 2015). In their Communiqué, the GAC stressed that no matter what the outcome of CCWG, it was pivotal that the current role of governments in ICANN be preserved. With regards to stress test 18, it was important that each Advisory Committee (AC) ensures that its advice is clear and reflects the Committee's consensus view, whereas it should preserve its autonomy in defining consensus. The ICANN Board should only be able to reject GAC advice with a 2/3 majority (as per its [ATRT2](#) recommendations, and in line with practice for ccNSO and GNSO PDP recommendations).

ccNSO perspective – The ccNSO held 5 sessions, discussing to a significant detail the proposal, the pending issues and the key areas that might affect ccTLDs. Debates focussed on the common issues between the Accountability work and the proposal from the CWG on IANA Stewardship Transition. The accountability discussions focussed on the role and responsibility of the Board, removing individual Board members and the different models (sole member model v. sole

designators model). There was consensus in the ccNSO to support the proposal and the key areas that were presented by the CCWG team. Details of the discussions can be found below in the ccNSO report.

Cross-Community WG on Use of Country/Territory Names as TLDs

The scope of the Cross-Community Working Group on the Use of Country and Territory Names as Top Level Domains (UCTN-WG) is examining the [ISO 3166-1](#) alpha 2 list *and* the use of full country and territory names at the top level only, including both 2-letter and 3-letter strings. Discussions on 2-letter strings have been tentatively concluded in the WG and preliminary recommendations formulated (i.e., to retain existing ICANN policy of reserving 2-letter codes for ccTLDs). In order to seek community input on 3-letter strings, the WG has launched a [questionnaire](#) to the SO/ACs on the different options the WG has identified.

Use of 3-character country codes as TLDs in future rounds

The issue refers to the potential future use as gTLDs of about 300 country codes on the ISO 3166-1 alpha 3 list (such as FRA for France) and 17,000 non-country codes. It needs to be clearly distinguished from 2-letter country codes at second level in the current round and from legacy gTLDs such as .com, .biz or brands of first round, such as .axa or .ibm.

GAC Perspective – The GAC discussed [options](#), as identified by the UCTN-WG, and their pros and cons for the use of such ISO 3166 3-letter country codes as gTLDs. Options included, *inter alia*: allowing their use as gTLDs as long as there is no conflict with existing 3-letter country codes; not allowing their use to anyone (gTLDs, ccTLDs or IDNs); allowing their use only for ccTLDs; allowing only the use of those 3-character codes if they are not country codes.

The GAC raised some interesting questions, e.g. if a country historically has “given away” its 2-letter country code, should it be able to claim “its” 3-letter country code? If a government vetoes the use, how can this be legally enforced (even in the current round)? How to avoid confusion of a country that uses both its 2-letter and 3-letter country code as ccTLD?

They were highly divided on how to address the issue in the future, from leaving things as prescribed in the Applicant Guidebook (largely the “European” view); preventing ICANN from “cashing in” on the opening of 3-letter country codes; respecting sovereignty in the sense that one government should not have a say on how another country should or should not use “its” 3-letter country code.

During the meeting of the UCTN-WG, GAC participants pointed out to the fact that some countries did not have a GAC representative. The question therefore is how to involve them (with regards to objection). Others pointed to the risk of confusion if both gTLDs and ccTLDs used 3-letter strings at top-level (policy by countries v. by ICANN) which is, however, already the case (e.g., .com that is also the 3-letter country code for Comores, or brands, such as .ibm, which have individual rights).

A questionnaire of 7 questions around the issue drafted by the UCTN-WG has been issued to the GAC and other communities. The GAC announced they would be sending their replies in the coming weeks (or months) and will be liaising with the WG in-between sessions.

GAC WG on the Protection of Geographic Names

The GAC’s own [WG on the protection of geographic names](#) aims at lowering the “uncertainties of different parties” (applicants, countries, regions, communities) when applying for geographic names in new gTLDs. The goal is to have more “success stories”, while preventing and avoiding the misuse of names. This should be achieved by making sure that applicants get in touch with the relevant government at the earliest point possible, by establishing processes for governments to bring in their concerns and to reach consensus between governments and applicants.

If these are indeed the GAC’s goals, they might stand in their own way. Despite the will to learn from past experiences, adding new elements for future rounds might not help the cause. For example, the GAC tries to find ways to “enforce GAC principles and best practices” and to “balance the legal concerns” by community members and governments. Defining the “public interest” in geo-names is already a challenge, as different countries have highly different views on it.

The discussions, again, went into some extreme, with some countries stating that community interest should prevail trademarks (basically disallowing brands, such as the French company “Quechua”, to use such names, as they refer to a particular language/culture/region) while others stressed the importance of the protection of trademarks. Others, again, looked for a middle ground, saying that a one-size-fits-all approach would be rather unlikely. Other suggestions included to extend or enhance the ISO list, or referring to other lists, such as WIPO or UNESCO.

Use of 2-letter country codes and country names at second level

The GAC reiterated formal advice to the ICANN Board in their [Communiqué](#). On 6 October, ICANN launched a [public comment](#) period on two-character letter/letter labels with the aim to determine whether to [authorize the release of requested Letter/Letter Two-Character ASCII Labels](#) that were previously withheld from authorization (deadline for submissions: 5 December 2015). Since some GAC members had submitted [comments prior to this date](#), they are now asked to clarify which specific TLDs they referred to and how they think this creates confusion with their corresponding country code.

The GAC had already issued advice on 2-letter second-level domains in relation to the authorisation process for releasing them through the new gTLD program. ICANN had reacted (ICANN52) by implementing a [notification mechanism](#) for governments (see also GAC that wish to [opt-out](#)). The GAC now claims that the [comment process](#) is not consistent with their previous advice and therefore reiterated it, i.e. advised the ICANN Board to, *inter alia*, fully consider comments submitted by governments, and to simplify the process for providing comments.

Public safety

GAC Public Safety Working Group

The purpose of the [GAC Public Safety Working Group](#) (PSWG) is to create consumer safeguards for new gTLDs, improve contract provisions in the Registrar Accreditation Agreement (RAA) and Registry Agreement and improve WHOIS accuracy. [The session was introduced](#) by WG Chairs Alice Munyua and Wanawit Ahkuputra, as well as updates by Bobby Flaim, US Federal Bureau of Investigation and Laureen Kapin, US Federal Trade Commission.

Recent work of the PSWG includes comments to the WHOIS Specification/Privacy Proxy Working Group and the next generation WHOIS (RDS). The WG generally advocates a balanced approach in privacy rights and public safety and for consulting with a variety of public sector stakeholders, although they particularly favour more transparency, information accuracy and confidentiality for requests from law enforcement. The PSWG also joined the Registry Agreement Specification 11 Security Framework Drafting Team (voluntary standards).

Future work will include representation on the Consumer Trust, Consumer Choice, and Competition (CCTC) Working Group, WHOIS accuracy for IP addresses, more participation in existing ICANN WGs, as well as outreach to other government partners and other ICANN stakeholders.

The session included presentations on [WHOIS and European Data Protection Laws](#) by Cathrin Bauer-Bulst (European Commission), [LEA Use Case Examples of WHOIS](#) by Greg Mounier, (Europol, European Cyber Crime Centre) and [Specification 11 – new gTLD Security Framework](#) by Jon Flaherty (National Crime Agency).

Illicit Internet Pharmacies

A Growing Threat to Online Security & Consumer Safety

The “event for registries and registrars” promoted the voluntary activities in the field of safe online pharmacies of the co-organisers, Alliance for Safe Online Pharmacy (ASOP) (both the [European](#) and [global](#) division), [LegitScript](#), the [Center for Safe Internet Pharmacies](#) and the [National Association of Boards of Pharmacy](#). It took a largely Northern American-centric view. In a call for more cross-industry collaboration and joint efforts for education and awareness-raising activities, they illustrated the patient safety problem with shocking figures and pictures, provoking the comment that “inflammatory rhetoric is not helpful”. Probably most interesting for registries (and registrars) was the description of LegitScript’s services focusing on internet sales of prescription-based medicines without actually requiring a prescription: if activity on domains matches their definition of “rogue”, they inform registrars or hosting providers. An appeals process gives registrars the possibility to refer registrants to LegitScript, who would then require the registrant to provide a license (necessary to sell prescription-based medicines). Michele of Blacknight confirmed that they were indeed not being asked to do “crazy things”. In the subsequent discussion, however, the Public Internet Registry (PIR - .org) pointed out that, as the issue was related to content, any action from their side would require a court order, not least to avoid issues of liability. LegitScript said that in terms of indemnification “we can often get there”, no registrar or registry ever got sued; action was often based on “contract violation”. They acknowledged that a registry or registrar could not look at every domain registered and/or know what content the domain would point to. However, they encouraged them to work with the FBI or LegitScript if contacted by them. PIR said that even if there were a report by LegitScript, there would be no competent court of jurisdiction; it would have neither the scope nor remit to judge or weigh who is right or wrong. However, they would act immediately upon a court order. LegitScript answered that they had worked out a system with the registrars: often, “it is so obvious” that they would act on it in good faith. In addition, in the case

of prescription-based drug the burden of evidence would shift to the vendors – the required license would be verifiable information. The larger problem, however, seems to be that of red tape and courts not being able to keep up with bureaucracy. It is rather difficult to draw conclusions from the event other than that participants seemed to agree that actions in this field should remain voluntary (e.g. no global mandatory or ICANN-centralised practice).

[Full script](#)

ICANN Future Meeting Strategy

As the [new ICANN meeting structure](#) will be implemented as of next year, there were many discussions in all the SOs/ACs on the potential schedule changes, especially regarding meeting B (4-day meeting) in June 2016. Most observers fear that the new model will not reduce the number of participants for the “B meeting” and will effectively increase the total number of ICANN meeting days in the course of a year.

ccNSO-specific Report

This section only covers items that were only discussed at the ccNSO.

All presentations will be available on the [ccNSO ICANN54 web page](#)

Guidelines Review Committee

This group is introducing guidelines for ccNSO processes. This should make the processes more predictable, transparent and accountable. The work includes standard formatting for documentation, formatting and structure.

The group is currently dealing with ccNSO meeting guidelines, Council meeting guidelines and response and statement procedure guidelines, as well as assigning roles and responsibilities. Future work will include NomCom appointees, liaisons and observers guidelines, Board and Council election guidelines.

The resulting guidelines will be sent to the Council for approval.

Marketing session

[Danko Jevtovic \(.rs\) showcased](#) the Ask.RS educational event which had a significant impact on the .rs presence in social media. It was an excellent way to engage with the local community and underline support for ecommerce initiatives and online entrepreneurship. Follow-up might include ask.rs caravan through Serbia.

[Michiel Henneke \(.nl\) presented](#) on how ccTLDs can cope with the changing market conditions. Based on analysis of the behaviour of 10000 users SIDN came to some very valuable insights. Check out the excellent quiz in the PowerPoint. Based on the analytical tools on centrstats.org, high penetration indicates market saturation. A lot of these names are not used. Based on dataprovider scan: 21% parked, 24% unreachable, 33% landing page, 10% content, 5% business. ccTLDs can improve this by using data-based targeting. The example used is the upsell by registrars of SSL certificates. Online (young) starters are the most interesting group and should be targeted. SIDN is sponsoring chamber of commerce events and is involved in a few more initiatives that encourage the use of .nl domains by that target group. You can't influence the domain name worldwide market, but you can make sure you reinforce your position on your local market.

[In his presentation, Nominet CEO Russell Haworth \(.uk\)](#) reminded the audience why they should never be complacent in a mature market. From impetus for change over new strategy to bringing value, his presentation included insights on how to deal with a market downturn. Partnerships, promotions, segmentation and new markets and products are the first step. Innovation (such as white space management and IoT) is the next step.

Finding the sectors with low penetration is key to redirect marketing. Potential market size is enormous (e.g. more than 1 million in the UK for the top 4 underperforming market sectors alone. Partnerships are essential, one can't do this alone. Trade associations or organisations like Companies House provide excellent channels.

ccNSO-Board meeting

Following acceptance of the Framework of Interpretation (FoI) report by the ICANN Board it was forwarded for implementation. First step in that implementation process is the archiving of documents that are no longer relevant (ICP-1 and GAC Principles 2000). Only RFC 1591 and GAC principles 2005 are still relevant. The ccNSO is pleased to see that progress is made.

The ccNSO asked for the Board's views on the need for an intersessional meeting on CCWG-Accountability. Chair Steve Crocker believes that it is not up to the Board to decide on whether a meeting is needed.

Byron Holland pointed out that the third proposal would likely include substantial changes. Would the Board feel more comfortable with a face-to-face meeting? The Board pushes back again on this and believes the ccNSO has already confirmed it needs a face-to-face meeting to sign off. ICANN would wait for direction from chartering organisations if they wish to meet in person. The in-person meeting could also be a good opportunity to reach out to all ccTLDs, in particular those that are not part of the ccNSO.

Implementation phase of CWG and CCWG: engaging with community and planning for implementation phase. Some bylaw changes will require changes to underlying processes. Proposal can be delivered to the NTIA without all the by-

laws written. Question remains on who will oversee the implementation to ensure it is compliant with the community proposal.

Legal Session

[The Swedish Pirate Bay case against IIS - Elisabeth Ekstrand, .se](#)

The Pirate Bay is a website where links can be found to copyright infringing materials. Who can be considered responsible for complicity according to Swedish Law? Copyright Laws in Sweden are pretty old and the scope is unclear in the digital age. The founders of The Pirate Bay were found guilty of copyright infringement. IIS stated that the function of the registry could never lead to copyright infringement.

District court found that a domain name is a tool used in the criminal act. Can it be confiscated from .se? Yes, .se has the authority, so has the “possibility to act” and IIS had the insight that the domain names are used to promote the crimes. IIS has taken a clear decision not to react. Therefore IIS acted intentionally and there are strong reasons to confiscate from IIS.

However, the court also took on board the “social adequacy” for IIS. This is a concept that describes the valuable role in a lawful activity for the public benefit. Therefore IIS could argue that it had a motivation not to act (and not to judge as this would be unlawful). Court agreed that it was indeed intentional but permitted behaviour.

[TLD and IP blocks: Attachable Property? - Nigel Roberts, .je/.gg](#)

Terrorist incidents were said to be state sponsored. Victims sued in US courts and obtained a default judgement. A subpoena served on ICANN required ICANN to hand over ccTLDs and IP blocks. ICANN defends. In the case, ICANN is a third party. This is an important case as a precedent could be established. ICANN stated that ccTLDs are not property and if they are, they are not attachable property. And if they would be attachable, ICANN cannot transfer them unilaterally. And even if ICANN could, sovereign immunity applies. Nothing was decided about property, but the judge gave a hint: “even if TLDs are property ‘and they might be’ they would not be the kind attachable under the laws of D.C.” Conclusion: ccTLDs might be property, but we don’t know. Two dozen lawyers in the room agreed.

[Sovereignty and Property Rights:](#)

[Conceptualizing the Relationship between ICANN, ccTLDs and National Governments](#)

[Farzaneh Badii, Milton Mueller](#)

An interesting discussion revolving around two questions:

- Are ccTLDs sovereign space?
- Are TLD delegations property rights?

Both issues were recently raised in court cases.

Farzaneh and Milton presented a paper that looked into the relationship between governments, ccTLDs and ICANN. Starting from the theories of sovereignty (Krasner’s 4 types) a ccTLD seem to correspond to “international legal sovereignty” (based on mutual recognition). But there are two issues with this theory: (1) this does not allow governments control over all ccTLDs accessible in their country, and (2) while registries can be regulated, delegation can’t. On the other hand (1) US control of the root fuels sovereignty claims, and (2) the DNS is just a name space, similar to a library index.

Is a ccTLD delegation a property right? Or a service? Registries claim it is a service, registrants typically claim it is property. Courts have ruled either way but recently leaning towards property. Sovereignty yes/no and property rights yes/no have advantages and disadvantages. If one synthesises the governance spectrum into 4 governance models (PTT/Mercantile/free trade/RFC1591) free trade is probably the best for domain name registrants.

ccTLD News Session

[Julie Cong ZHU, \(.cn\)](#) gave a good overview of all the reasons why ccTLDs are at the forefront of the IG Ecosystem and showed how that was the case in China.

[Luis Medina Ramos, \(.pr\)](#) presented challenges and solutions for the DNSSEC adoption in .PR.

The .nz registry has recently launched a new service, the National Broadband Map, which is a complete diversification from .nz but requires a similar role to a ccTLD registry - a neutral third party with strong skills in authoritative Internet data. [Jay Daley \(.nz\) presented](#) how this initiative avoids stagnation and motivates staff. The impressive tool allows

users to know what internet connection is available and hence strengthens the Internet economy.

Since 1 March, DK Hostmaster has worked on validating the details regarding existing registrant's name and addresses. The requirement of validation is a result of a provision in the Danish Act of Domain Names that says that DK Hostmaster has to ensure accurate and valid name and contact details along with automatic anonymity to Danish registrants who are already anonymous in the CPR register. [Lise Fuhr \(.dk\) gave an overview of the implementation, validation process and how existing data was handled.](#)

ccNSO Sessions on Accountability

Status update on CWG/CCWG and ICG

Once the community delivers the proposal, it will take the NTIA and Congress roughly 4-5 months to review it. In the meantime, three processes might run in parallel: (1) ICG and CCWG accountability WS1 operationalisation, (2) Bylaws changes, (3) Accountability WS2. If the NTIA review can only start early next year, it is unlikely the September 2016 deadline will be met.

ICG progress – Following the meetings in Los Angeles in September and Dublin in October, the work has been done, except for some minor issues to tidy up. 9% opposed to the ICG proposal. The overall majority of the community supports the proposal. ICG has also confirmed the criteria from the NTIA requirements have been met. ICG will go into hibernation until 30 September 2016, but mailing list will be kept alive.

CCWG progress – The group has analysed the +90 comments from the second round. Stronger support compared to first proposal. Key elements (changes to bylaws, improvements to independent review process and empowerment of this community to approve fundamental bylaw change, reject or approve the budget and recall of a Board member). Remaining key concerns: concentration of power, risk of capture in Membership model.

CWG update – Proposal was accepted in BA but conditional upon completion of Accountability WS1 recommendations. At that point CWG will assess if the requirements (mainly ICANN accountability to the global internet community) are met. Legal advisors are drafting the Bylaws proposals as stipulated by the CCWG proposal. Further issues: solve concern on implementation of SLEs and IPR related to IANA. How will the brand be used, who will own the IPR rights? Other groups have already sent a set of requirements. One of the proposals suggest to transfer those rights to the IETF trust.

Giving input from the Regional Organisations, Giovanni Seppia reminded everyone that the majority of ccTLDs are relying on summarised information as it is impossible to keep track of all that is happening and still run a registry. It is therefore essential that access to information is as open as possible. The infographics were a big improvement in this respect. The [statement from CENTR and the HLLG](#) underlined the need to respect the principles of the multistakeholder model in order for the outcome to have the necessary legitimacy.

Three key areas for ccTLDs

- IANA Service Level Expectations – Jay Daley (.nz)
- Internet Coordination Policy 1 (ICP-1) status under ICG Proposal – Martin Boyle (.uk)
- Need for future ccNSO work: required PDP processes? – Keith Davidson (.nz)

Martin told us about ICP-1, a document most of us had never heard of before, that wasn't ever supported by anyone but ICANN and that has now been archived. It was formally rejected by the ccNSO.

The NTIA confirmed that the Root zone maintainer contract and the IST discussion are two different issues. The ICG stipulated that there is a need for a written contract in place with the IANA operator before the transition.

Martin also pointed out that following the transition, the ccNSO will need to identify people that could take on the roles in the newly created committees and teams. The Customer Standing Committee will be meeting once a month, taking SLE input and assessing if IANA is doing its job as agreed. This group will flag issues. We'll need to find two ccTLD IANA experts who are willing to take this up. They will brief the community on a regular basis and need proper support.

The IANA function review team will need three ccTLD and this will be very intense work.

If there is a recurring problem and the IANA functions need to be transferred the separation cross community working group will be formed and also this group will require ccNSO experts that are willing to dedicate a significant amount of time.

Jay explained that SLEs are the same as SLAs. With a team of 6 experienced SLA writers he worked over the last year on how these SLAs should be developed. A strong push from the group was needed to convince IANA. Implementation is still an issue, though.

The group developed the following principles:

- Essential to make distinction between IANA part of the workflow and external part (e.g. ccTLD)
- 24/365 principle
- Request cannot disappear from the timeline
- SLE will be work in progress

The group identified different types of service requirements, depending on impact of update request, whether it is for a ccTLD or gTLD and other types of requests. The reporting mechanism also had to be defined. This is a new element and will include a real time dashboard. This includes a long list of specific metrics, including timing and accuracy.

The process performance part still needs to be completed. The resulting proposal is an essential but reasonable list for a critical internet function. It is proportionate. There will be no compromise on accuracy which needs to be 100%. Next steps include major data gathering exercise. It is rather reassuring to hear that there are now dedicated resources in place for IANA development.

There is still the big open question if transition can take place without and SLA “ready to go”. Given the timetables, there might be some difficulties. David and Jay reminded that SLAs have been in place for a long time, but this proposal provides the necessary details for an SLA for such a critical function. They also shared the very good news that IANA will be soon operational. Depending on your age you might experience a déjà-vu. Keith explained to us that there is a need for policy process development following the work in the ICG and recommends that a few drafting groups are set up.

- Retirement of ccTLDs
- Appeals mechanism should be put in place (omitted from the final CWG proposal)

It seems that contrary popular belief, the end of this process will not make our lives easier. There is not only a lot of work needed to prepare for the transition. Following the transition we will need to identify and rely on highly skilled individuals to make the thing actually work.

CCWG-Accountability – ccNSO engagement

Overall views

Working on interdependent proposals limits room for manoeuvring. Core areas for consensus: Community powers are mostly agreed with some work to do on budget and removal of individual Board members. Role of the ICANN Board and the Independent Review Mechanism hasn't changed either. Support from a multimember proposal from the first proposal to a single member model in the second draft proposal. Only in one case an individual SO or AC can make a decision: removal of an individual Board member.

Stress test 18

Stress test 18 would not change the way GAC makes decisions. GAC is split. CCWG freezes discussion until GAC solves it. If majority of GAC feels uncomfortable that could undermine the legitimacy of the process. Currently GAC does not seem to be willing to solve the issue during this meeting. This will significantly affect the timeline. GAC operating principles can be changed by 51% vote. E.g. consensus to voting. Stress test 18 says that they need consensus to change the operating principle that they decide by consensus instead of voting.

Two possible stumbling blocks: no agreement on stress test 18, or if stress test 18 is absent.

The ccNSO attendants looked at the areas where comments to CCWG show general agreement or where more work is needed.

Taking the temperature of the room

Item	ccNSO view
Power - community right to approve change of fundamental bylaws	Consensus Support with concern regarding PDP
Power - Standard bylaws changes can be rejected	Consensus Support with concern regarding PDP
Power - Recall of the ICANN Board	Consensus
Need for community dialogue before community powers used	Consensus
Incorporate AoC reviews in bylaws	Rough consensus
Incorporate AOC commitments and principles in bylaws	Consensus

ICANN and human rights

After the transition, ICANN becomes a private corporation without governmental oversight. This could mean that the respect for international laws and human rights is no longer a given. Solution could be to enter it as a fundamental bylaw. Consensus to give it high level status in the first phase before the transition and do the detailed work post transition.

Independent Review Panel

Current proposal is to have a standing panel (diversity essential) who are familiar with ICANN and the DNS. The panel would resolve disputes regarding 1) respect for community powers 2) bylaws violations 3) decisions related to IANA (EXCEPT ccTLD DELEGATIONS AND REDELEGATIONS). The panel would be funded by ICANN but triggered by the Community. Decisions would guide future actions and get precedential value. Details to be developed by sub-group. As ccTLD delegations and redelegations are excluded from this review mechanism, a policy development process will have to address this issue post transition.

The ccNSO agreed that to enhance the accountability of the SOs/ACs future structural reviews will assess ccNSO accountability in addition to checking for efficiency for purpose.

CWG conditions

Proposal was conditional on the CCWHG meeting requirements in 6 areas.

1. ICANN budget (opportunity to oppose ICANN budget in cases IANA didn't get enough funding) (OK)
2. ICANN Board (OK)
3. IANA Function Review (CWG drafting bylaws and will be included in set of bylaws CCWG will put forward)
4. Customer standing committee (OK)
5. Appeals Mechanism (OK)
6. Fundamental Bylaws (OK)

Enforceability is the final legal mechanism to force through a community decision.

Removal of individual Board Members

Dilemma: SO appointed Board members are supposed to serve the purpose of the corporation and will be expected by the SO to represent its interest.

The Model

First proposal: every SO/AC would become a member.

Second proposal: sole member (all SO/ACs team up without losing individual powers)

Sole designator: Right to appoint and remove directors

Sole Member: Right to appoint and remove directors and a set of other rights. (Some of these requirements were not in the CWG requirements such as right to request a bylaw change or to take action against the corporation.)

Designator model need to be strengthen a bit to make everyone comfortable that it allows for enough enforceability.

Attraction of member model is that it is easier to understand. But the challenge is the “set of other rights”. It is possible that these can be abused.

Designator model needs to be build up but seems safer.

Jordan Carter (.nz): we are tasked with the least amount of change in reaching consensus. Designator model checks all the boxes of the requirements. Even though the sole member model might look better.

As the last proposal included the sole member model, the new proposal including a designator model would likely take longer to draft and will definitely need public consultation.

Community budget veto

One of the requirements from CWG. There are different levels. There is a PTI budget, separate budget with its own consultation process held earlier than the ICANN budget. So the community can veto a PTI budget. In addition the yearly operating ICANN Budget would be split in two parts: a part that is necessary for continuing the operations and a part where there is a level of discretion.

Process and next steps

CCWG-Accountability will now first finalise a report and make sure this provides the much needed clarity. Proposal will be ready by 20 November and only then it will be possible to tell whether there will be a need for a new public comment. Once the CCWG has reached consensus on the final draft report it needs to be provided to SO and AC for endorsement. If not endorsed by one or more of the SOs and ACs the group would have to go back to a supplemental draft report to solve the concern. If accepted, this will send to the ICANN Board and from there to NTIA.

Other news

ccNSO Council elections will take place following the Dublin meeting. For the European region Giovanni Seppia (EURid) and Peter Vergote (DNS Belgium) have been nominated for the European ccNSO Council seat that will become available when Lesley Cowley comes at the end of her term in ICANN55.

The ccNSO thanks 5 departing members that have been essential contributors to the ccTLD community: Gabi Schitteck, Kristina Nordstrom, Keith Davidson, Dotty Sparks-LeBlanc and Martin Boyle received a warm and loud thank you from the ccNSO community.

GAC-specific Report

Most topics discussed at the GAC are included in the first section of this report as they overlap with the work of the other groups.

[Link to ICANN54 GAC Dublin Communiqué](#)

Meeting with the ICANN Board

Questions asked at the meeting seemed to indicate that the GAC was only slowly starting to look at the details of both the ICG and CCWG-Accountability (see above) proposals. It remains to be seen if they identify other elements of contention in the months to come. A foretaste: China addressed the changes to root zone management (also part of the transition, currently rubberstamped by the US government and executed by Verisign), asked about the role of governments in this and stressed the need that “all governments have equal footing in participating in it”, not least for reasons of “accountability and transparency”. Fadi made clear that once the US government was “extracted from this equation, there would be no role for it” (could be read as: “and also not for other governments”). Instead, there would be a single relationship between ICANN and the root zone administrator. Perhaps the GAC haven’t had their last word on it.

High-level meeting in Marrakesh (draft agenda) – What to expect

GAC had a look at the draft agenda of the political meeting at ICANN 55. Topics so far include the IANA stewardship transition, governments’ role in the new ICANN framework, ICANN and developing countries. Some GAC feared that too many “national statements” could stifle an interactive dialogue, “in particular, if they tend to be long”. Additional topics, such as the relationship between governments and their ccTLD (Spain), as well as internet governance (China) were suggested. The agenda is work in progress.

GNSO-specific Report

New gTLD Subsequent Round

ICANN has a commitment to another round of new gTLDs. However, the timing of that round is less certain. There are several pieces of work which need to take place first. Over the year a discussion group has been at work identifying issues that arose from the 2012 round and have recently produced a [Preliminary Issue Report](#) (public comment until 30 October 2015). The report presents questions on aspects such as; whether there should be another round, predictability in terms of changes to the program once it begins (e.g. name collision, digital archery), competition and consumer trust, community engagement, the Applicant Guidebook and processes, fees and many other points.

Recently, the Board wrote to the GNSO Council requesting council provision for exclusive registry access to generic string in the “global public interest” – a request which originates from the GAC. The GNSO found this issue challenging given the problematic nature of defining “public interest”.

Although there are no specific trigger points to commence a future round, there are a set of ICANN reviews underway which would need to be completed first: a Program implementation review, rights protection mechanism review (including TMCH review), consumer survey, economic study, CCT (competition, consumer choices and trust) review, and a security & stability review.

Based on comments on the Issue Report, the Council will decide whether or not to initiate a PDP. During a session in the Registry SG, it was clear registries strongly support moving quickly on another round. [More information](#)

New gTLD Auction Proceeds

A discussion paper regarding proceeds (currently around \$59 million USD) from ICANN-conducted auctions of contested strings in the new gTLD Program was published for public comment in September 2015 (close date: 8 November). Discussions from the previous ICANN meeting showed high interest in the topic with general recognition that a framework should be developed as a priority. Key issues to be considered relate to conflicts of interest, expert involvement, links to other efforts, Board involvement etc. A staff report is due in late November 2015.

“Any input on what to spend the money on will be included in the annex as it is not the focus of the discussion paper and will need to be considered in subsequent phases of the process”

Although the focus is on process, the community still seems keen to talk about how the funds should be spent. Several believe it should remain within ICANN’s core missions and not be used in any form of operational aspects. Others had ideas on endowment funds (rather than spending all at once), giving to third parties such as IETF funds, ISOC or work to support the new gTLD program such as universal acceptance.

In general, views were diverse, however an overarching issue was the lack of clarity in an “end game”. In other words, would it be the Board who signs off on a (likely) cross-community working group (CCWG) on the auction proceeds work? Some noted that a GNSO working group would actually have more potential for diversity than a CCWG. The subject lead to further discussions on the nature of cross-community working groups, which are becoming increasingly popular. The Council raised this issue with the Board; however, it did not bring too much in the way of clarity. The Board did however mention that they have no preconception on how the funds would be used as well as noting strongly to avoid any conflict of interest (i.e. those that determine process and those that stand to benefit from the funds).

[Background Information](#)

[Presentation slides](#)

Rights protection mechanisms for all gTLDs

A preliminary [Issue Report](#) (public comment until 30 November) is out on the possibility of reviewing all rights protection mechanisms (RPMs) in all gTLDs. Key RPMs included are the sunrise period and trademark claims, URS, trademark clearinghouse (TMCH), post-delegation dispute resolution and the UDRP.

Staff noted overlapping work and dependencies: TMCH review (as requested by GAC), consumer trust and choice review (mandated by AoC) and potential new gTLD subsequent rounds (depends on Council vote). The aim of the report is to get community feedback on the potential for review as well as any other issues considered relevant.

Review on Competition, Consumer Choice and Consumer Trust (CCT)

One of the ongoing reviews based on Affirmation of Commitment obligations is the competition, consumer choice and trust (CCT) review. The work of this review involves data collection efforts (surveys, outsourced data and others) much of which intends to form a baseline whereby follow up surveys would run to create comparisons and trends. The data is to be analysed by a review team which is to be selected around December 2015 and begin work in January 2016.

Some of the metrics already collected and [published](#) are on aspects of compliance (e.g. total amount of complaints), registries/registrars data, registrations data and rights protection mechanisms.

A part of the review is an assessment on competition aspects in relation to new gTLDs, economic data and a registrant survey including trust in TLDs and the industry. Several key findings already made:

- Registration shares across registries and registrars are more dispersed within new gTLDs as compared to legacy TLDs
- New gTLD prices (wholesale and retail) are on average higher than legacy gTLDs
- There is generally much more price dispersion in new gTLDs
- Awareness in new gTLDs was highest in Asia and the most commonly recognised TLDs were .email and .link
- Relatively high awareness of geo-TLDs in their regions
- Trust in domains is correlated to higher levels of purchase restriction

[View slides for more data](#)

Geo-TLD Interest Group

The Geographic gTLD Interest Group of the RySG (Geo IG) reached out to potential members over the summer and currently has 14 members (representing 23 geo gTLDs) and 7 observers (representing a further 7 geo gTLDs). Since the Geo IG now has “official” members, a resolution was presented and passed to adopt a charter for the Geo IG and the group continued discussions on future membership fees/budget for 2016.

In order to facilitate a consensus in the near future, a tiered membership fee model was presented to the members. Although there was no unanimity on the proposed fee structure, there was general support for such a model. The proposed model will be further fine-tuned and is expected to be finalised by the (yet to be elected) executive committee. It will then be proposed to the members for formal adoption. Once the membership fees have been defined, a detailed working budget will be established and presented to the members.

A roadmap for group was presented with support also recognising that nominations and elections for officers/ExCom will need to take place.

The Geo IG also had an exchange between members on the status of operations in the respective geo gTLDs. In particular, focus was put on renewal rates and marketing efforts.

The Geo IG further considered a number of specific topics of interest such as privacy, EPP transactions and universal acceptance.

Next Generation gTLD Registry Directory (RDS)

This is a Board-mandated (2012) PDP on the purpose of gTLD Data Directory Services, including the possibility of replacing today’s WHOIS system. The work is the results of work in the WHOIS review team and Expert Working Group (EWG).

A [Final Issue Report](#) has recently just been published which includes : background on the topic, inputs from GAC, article 29, WHOIS studies, EWG recommendations as well as a draft [charter](#).

The GNSO are concerned with the workload of this topic, with some feeling the charter is being rushed through. In a session with the Board, the Council asked whether any pushbacks on this work would be seen as delaying the effort – the Board were not too concerned regarding timing. The Board also mentioned that the different areas of work related

to WHOIS and RDS, which is creating some confusion in the community, is high on their agenda. They plan to take a holistic view of the topic as soon as possible.

This topic also came up in the Registry Stakeholder group who were supportive of the final issue report and charter. However, they recommended a delay in beginning the work. During the GNSO Council meeting, a vote to adopt the charter was deferred, meaning work on a PDP has now been pushed back to a later date.

[Background Information](#)

[Presentation slides](#)

GNSO Policy Implementation

The Global Domains Division (GDD) department of ICANN updated the GNSO on the [status of implementation](#) and operations in policy derived from the GNSO as well as other groups.

One piece of work of interest is the release of a registrant survey on the domain name landscape which produced some data on awareness of new gTLDs (highest in Asia). The study also provides data on registrant trust in the domain name industry as well as some elements of registrant demographics. [More details](#)

The thick WHOIS policy adoption (February 2014) involves a transition from thin to thick for .com, .net and .jobs as well as consistent output/labelling for all gTLDs with the roll out of RDAP. Staff is currently drafting implementation proposals and expect an effective date on the policy in February 2017.

Other recent work in the GDD: updating rights protection mechanism review with public comments, phase 1 of an economic study, a call for volunteers to the CCT review, IGO/INGO identifiers protection policy implementation and work on a TMCH review and root stability study.

[Presentation slides](#)

GNSO PDP Improvements

A number of possible improvements to the GNSO PDP mechanisms have been proposed with the aim of facilitating more effective PDP outcomes and encouraging broader participation in this key policy development activity. ICANN policy staff presented a new online platform – an [introduction to the GNSO course](#).

Data and Metrics for Policy Making

This (non-PDP) Working Group was chartered to explore opportunities for developing reporting and metrics processes and/or appropriate standardized methodologies that could better inform fact-based policy development and decision making. It delivered its [Final Report](#) to Council on 9 October and the Council meeting at ICANN54 adopted all consensus recommendations.

[Background Information](#)

[Presentation slides](#)

IGO-INGO Access to Curative Rights Protection Mechanisms

This PDP aims at exploring whether curative rights dispute resolution processes should be amended to address particular needs of IGOs/INGOs. There is limited update on this work since ICANN53, but it's the view of the group that it's unlikely there will be a need to create a completely new procedure for IGOs/INGOs, especially considering there will be limited cases to deal with. Discussions continue over IGO jurisdictional immunity (current process is UDRP and URS and there is no uniform international law on the issue).

The group will pull together information from external legal advice, work within the GAC ("small group") and hope to produce an initial report by around the time of ICANN55.

[Background Information](#)

[Presentation Slides](#)

Privacy & Proxy Services Accreditation Issues

This PDP Working Group was chartered to develop policy recommendations to guide ICANN's implementation of an accreditation program for privacy and proxy service providers. Public comments are under review by the group (+11,000

comments received) and the goal is to produce a final report by December 2015.

Open questions include correcting a common misperception about loss of privacy rights due to WG recommendations, as well as communications issues regarding registrants' concerns/misperception. Updates to recommendations and open questions: finalizing illustrative disclosure framework for provider handling of contact requests and handling escalation of relay requests (implementation challenges). Accreditation process/implementation: there will be challenges and this will require a lot of time and work.

[Background Information](#)

[Presentation slides](#)

GNSO elections and appointments

The Council Chair elections had two candidates - [James Bladel](#) and [Heather Forrest](#). Questions from other councillors in a Q&A session related to Chair neutrality and the importance of creating user-friendly policy for the benefit of end-users. Due to insufficient votes to cross a threshold, the election did not pass and nominations will recommence at a later stage.

Keith Drazek (RySG) was appointed as GNSO liaison to the ccNSO, replacing Thomas Rickert.

In-between meetings: How to get involved

[Cross-Community Working Group on Use of Country/Territory Names as TLDs questionnaire](#)

[CENTR survey: Input to on Use of Country & Territory Names and Codes as TLDs](#) (close date: 28 October 2015)

[Comment Regarding Two-Character Letter/Letter Label Request](#) (close date: 5 December 2015)

[Preliminary Issue Report on New gTLD Subsequent Procedures](#) (close date: 30 October 2015)

[New gTLD Auction Proceeds Discussion Paper](#) (close date: 8 November 2015)

[Preliminary Issue Report on a GNSO Policy Development Process to Review All Rights Protection Mechanisms in All gTLDs](#) (close date: 30 November 2015)

[New gTLD Program Implementation Review Draft Report](#) (close date: 7 December 2015)

[All ICANN Public Comment opportunities](#)

Annex: Acronyms

CCWG*	cross-community working group (e.g. ccNSO, GAC, GNSO, etc.)
CWG*	community working group (i.e. within one specific community, e.g. ccNSO)
ICG*	IANA Stewardship Transition Coordination Group
GNSO	(ICANN) Generic Names Supporting Organization
ccNSO	(ICANN) Country Code Names Supporting Organization
GAC	(ICANN) Governmental Advisory Committee
ICANN	Internet Corporation for Assigned Names and Numbers
PDP	(GNSO) Policy Development Process
IST	IANA Stewardship Transition
IANA	Internet Assigned Numbers Authority
TLD	top-level domain
ccTLD	country code top-level domain
gTLD	generic top-level domain
NTIA	(United States) National Telecommunications & Information Administration
SO	(ICANN) Supporting Organization
AC	(ICANN) Advisory Committee
WG	Working Group
RPMs	Rights Protection Mechanisms
RDS	Registration Directory Service
TMCH	Trademark Clearinghouse
IDN	internationalized domain names
CENTR	Council of European National Country Code Top-Level Domain Registries
RAA	Registrar Accreditation Agreement
PSWG	(GAC) Public Safety Working Group
SLE	Service Level Expectation
SLA	Service Level Agreement
UCTN-WG	Cross-Community Working Group on the Use of Country and Territory Names as Top Level Domains
ISO	International Standard Organization
NomCom	(ICANN) Nominating Committee
IoT	Internet of Things
FoI	Framework of Interpretation
RFC	Request for Comments
SG	Stakeholder Group
UDRP	Uniform Domain-Name Dispute-Resolution Policy
URS	Uniform Rapid Suspension System
AoC	Affirmation of Commitment

*In current “bad practice”, **CCWG** is often used to refer to the Cross-Community Working Group on Enhancing ICANN Accountability; **CWG** is often used to refer to the CWG to Develop an IANA Stewardship Transition Proposal on Naming Related Functions; and **ICG** often used to refer to the draft IANA Stewardship Transition Proposal combined proposal by names, numbers and protocols communities).

CCT	Competition, Consumer Choice and Consumer Trust
RySG	(ICANN) Registries Stakeholder Group
Geo IG	Geographic gTLD Interest Group
EPP	Extensible Provisioning Protocol (Domain Authorization Code)
SSL	Transport Layer Security (Secure Sockets Layer)
EWG	Expert Working Group
IGO/INGO	International Governmental Organization / International Non-Governmental Organization
GDD	(ICANN) Global Domains Division
PPSAI-WG	Privacy & Proxy Services Accreditation Issues Working Group
ATRT	Accountability and Transparency Reviews
IETF	Internet Engineering Task Force
ACIG	independent consulting firm engaged to provide secretariat support to GAC
RZM	Root Zone Management System
DNS	domain name system
IAB	Internet Architecture Board
LACTLD	Latin American and Caribbean TLD Association
AfTLD	Africa Top Level Domains Organization
APTLD	Asia Pacific Top Level Domain Name Association
RO	(ccTLD) Regional Organisation
RIPE NCC	RIPE Network Coordination Centre (Regional Internet Registry for Europe)
DNSSEC	Domain Name System Security Extensions
RIR	Regional Internet Registry
ASCII	American Standard Code for Information Interchange
IP	Internet Protocol or intellectual property
IG	Internet Governance or Interest Group
WS	work stream
IPR	intellectual property rights



CENTR is the association of European country code top-level domain (ccTLD) registries, such as .de for Germany or .si for Slovenia. CENTR currently counts 52 full and 9 associate members – together, they are responsible for over 80% of all registered country code domain names worldwide. The objectives of CENTR are to promote and participate in the development of high standards and best practices among ccTLD registries.

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