



**Council of European National  
Top-Level Domain Registries**

# Report on **ICANN56**

**Helsinki**  
26-30 June 2016

# Contents

## **Executive Summary 4**

---

## **ccNSO Report 5**

---

Strategic and Operational Working Group update	5
Policy Development Process (PDP) on retirement and PDP on delegation and redelegation review mechanism	5
IANA update	5
Legal session	5
Other relevant sessions	6

## **GNSO Report 7**

---

New gTLD Auction Proceeds	7
New gTLD Subsequent Procedures PDP	7
Next Generation gTLD Registration Directory Service (RDS) PDP	8
Review of All Trademark-Related RPMs in all gTLDs PDP	9
GNSO-GAC tensions re-surfacing	10

## **GAC Report 11**

---

Country names & more	11
GAC Protection of Geographic Names Working Group	11
Country Codes and Country Names as Second Level Domains (SLDs)	12
GAC: Three-character codes as top-level domains (TLDs)	14
CCWG-UCTN: Straw-woman Paper (summary)	15
Cross-community session: country and other geographic names forum	16
GAC Updates	16
Internal matters	16
(Open) Meeting of the GAC Public Safety Working Group (PSWG)	16

## **IANA Stewardship Transition & Accountability update 20**

---

Post Transition IANA structure, contracts and CSC	20
Accountability Update	22

# Executive Summary

The new B meeting format left most attendants with mixed feelings. One of its main goals was to bring the different Supporting Organisations (SOs) and Advisory Committees (ACs) together and provide opportunities for cross-community policy discussions. While these sessions were well attended, they didn't always result in meaningful policy debates. One of the reasons might be that some SOs (in particular the GNSO) have a much stronger tradition in multistakeholder policy discussions than others (where discussions typically take place within likeminded communities, such as the GAC and the ccNSO). Olga Cavalli (Argentinian GAC member) seems to have perfectly summarised the outcome of most discussions at ICANN56 when she said: "I'm not sure whether we reached agreement, but we had a good discussion" (as stated during the session on GAC Protection of Geographic Names Working Group).

With more than 1,400 participants, this meeting was probably only marginally smaller than other ICANN meetings. While this was a shorter ICANN meeting compared to the standard format, this CENTR report is quite longer than usual. The main reasons for this is that many new (policy) processes were launched for which we have provided background and context. We have also added a special report on the IANA Stewardship Transition and the Accountability work.

Chuck Gomes and Keith Davidson were the two recipients of the 2016 Multistakeholder Ethos Award. Well-deserved; congratulations to both!

## ccNSO

Milestone: the ccNSO took the first step in implementing the IANA Stewardship Transition Plan by publishing a call for expressions of interest (EoI) for the ccTLD representatives for the Customer Standing Committee (CSC).

The work on the Policy Development Processes (PDP) related to the ccTLD delegation and redelegation decision review mechanisms and the PDP for the retirement of ccTLDs has been initiated. .DK also joined the ccNSO as its 160<sup>th</sup> member.

## GNSO

In addition to fruitful cross-community sessions, the GNSO mainly focused on WG and CCWG working

sessions, skipping most of the GNSO constituencies and stakeholder group meetings. For this reason, the GNSO seems to be the ICANN Supporting Organization that has adjusted the most rapidly and efficiently to the Policy Forum, or Meeting B format, most likely because of its policy-making nature. The GNSO Chair James Bladel confirmed that the feedback was generally quite positive. The highlights were the cross-community sessions that were held on the most significant GNSO PDPs currently underway (see GNSO section), which gave an opportunity to all stakeholders to give live feedback to WG/CCWG members. It was more or less successful depending on the topics covered, but overall a good concept that allowed for constructive feedback. It is probably only a question of time now before a new acronym is born: CCS (cross-community session).

Perhaps worth noting is that the GNSO and ccNSO are planning a full-day joint meeting at ICANN57 in Hyderabad. For the GNSO, the Meeting C might have more or less the same format as prior ICANN meetings, since the GNSO usually had 2 days of working sessions before the official start of the meeting on Monday anyways.

## GAC

The GAC seemed liberated by the conclusion of debates on the IANA Stewardship Transition and motivated to engage in the next steps around ICANN Accountability. The shift of attention left room to discuss other issues in detail that had been on hold during past ICANN meetings. Country names and codes (in its various manifestations) took up a big chunk on the agenda and reflected the highly diverse views on liberalisation (or not) among the GAC. This topic in particular also illustrated how the lack of resources (time and people) among the GAC with regards to the workload, could lead to one country hijacking the debate and using the vacuum to promote its own (radical) ideas. Other parts of the debates moved to highly political levels, especially when it came to defining the "public interest" or "relevant governments". The concept of "public interest" could in particular become the shield and armour of the GAC to broaden its influence – not only within the ICANN community, but also in Internet governance as a whole.



# ccNSO Report

## Strategic and Operational Working Group update

While the current ICANN strategic and operational plans show improvements compared to earlier versions, there is still a need for clearer KPIs. The working group strongly recommends a more precise cost control process and in particular mechanisms to assess costs related to the IANA Stewardship Transition and Accountability. ICANN also still needs to fine-tune the following areas: international hub strategy, reserve fund and staff remuneration policies.

Presentation can be downloaded [here](#)

## Policy Development Process (PDP) on retirement and PDP on delegation and redelegation review mechanism

These PDPs need to fill the gaps identified by the Framework of Interpretation (FoI). The ccNSO has decided to start the preparatory work on these processes that could easily run for two years.

There will be two working groups:

- WG 1: review mechanism
- WG 2: on retirement of ccTLDs

There is a preference to combine both issues into one PDP, and do as much as possible in parallel.

The PDPs will be heavily relying on the following documents:

- Delegation, redelegation working group final report on retirement of ccTLDs, 7 March 2011
- ccNSO FoI
- RFC 1591
- ISO 3166 standard
- CWG stewardship final report, Annex O

Bart Boswinkel – appointed as issue manager – identified the following potential problems:

1. The unavailability of community members (the heavy workload over the last two years has led to volunteer fatigue and quite a few strong contributors have left the ccNSO)

2. If the choice is made for one PDP rather than two separate ones, the review mechanism will only be available at the end of the whole process – which could take years

A quick show of hands at the end of the session showed a lot of interest to contribute to the work of both working groups. The issue report should be published before Hyderabad.

The presentation can be found [here](#)

## IANA update

1. Performance: KPIs

Root zone and WHOIS database change requests: Timeliness is on 90% of end-to-end processing (21 days); Accuracy: 100%.

Delegation and redelegation of ccTLD requests: both Timeliness and Accuracy are at 100% (<https://www.iana.org/performance> for more details).

The Service Level Agreement (SLA) subgroup of the CWG IST defined a set of metrics to be collected over a 3-month period. IANA is currently developing a real-time dashboard to present the data in user-friendly way.

2. Parallel operations results

The Post Transition IANA (PTI) proposal defines elimination of authorisation of root zone changes by the NTIA. ICANN and Verisign established a parallel root zone test environment to run in parallel with the production root zone management system. As of April 2016, ICANN and Verisign began a 90-day testing period to verify continuity and integrity of data in the root zone file. Details of parallel testing and [two monthly reports](#) available online. Verisign also publishes [daily comparison reports](#).

3. Third party audit

IANA successfully passed the Service Organisation Control (SOC3) audit of RZKSK system. Annual reports are [available on IANA website](#).

The full presentation can be found [here](#).

## Legal session

Nominet updated its terms and conditions for registrants. These were significant changes – most were uncontroversial, some controversial:

- Removing wording relating to “cost recovery”
- Removing obligation to hold public consultation on changes to Terms and Conditions (T&Cs)
- Removal of refunds if a registrant was unhappy with a change in the T&Cs
- Broadening the scope of the ability to suspend a domain name

Conclusion: Nominet decided to implement changes as proposed and the new T&Cs were published with a 30 days’ notice, taking into effect on 1 March. The shorter consultation period did not reduce the response rate.

DNS Belgium presented a case where the T&Cs were changed between the time of the registration of a domain (2001) and the time of an Alternative Dispute Resolution (ADR) procedure over this particular domain name. The court decided that the changed T&Cs could not be invoked (because of a narrow interpretation of the term “registration rules”) and therefore the registrant who lost the ADR case did not have to reimburse the cost of the procedure. Conclusions: courts are restrictive in judging T&Cs, use renewal period to get acceptance of T&Cs and regularly check your T&Cs to keep them up-to-date.

.NZ provided an update on the structure of the .nz ccTLD and the new Memorandum of Understanding (MoU) with the government. Presentations will be published [here](#)

## Other relevant sessions

Ficora (.fi) presented the new structure of the organisation and the introduction of fundamental changes to their registry model. On 5 September, a registry-registrar model will be introduced, age limit and local presence requirements will be dropped, parking and domaining will be allowed, and EPP, registry lock and two-factor authentication will be introduced. The presentation can be found [here](#).

.UA gave an interesting [overview](#) of the registry model and lessons learned: Price is not a big factor (to a point); DNSSEC is like IPv6: it’s there but nobody cares; Anycast is a must but it must be diversified.

# GNSO Report

## New gTLD Auction Proceeds

The new gTLD Program established auctions as a mechanism of last resort to resolve string contention. Most string contention sets (approximately 90% of sets scheduled for auction) have been resolved through other means before reaching an auction conducted by ICANN. These auction proceeds have been reserved and earmarked until the Board authorises a plan for the appropriate use of the funds (according to the CCWG draft [charter](#), the funds are currently “fully segregated in separate bank and investments accounts”). Since the proceeds from the new gTLD auctions now amount to a staggering \$105.6 million USD, a CCWG was put in place with the task of coming up with a proposal “on the *mechanism* that should be developed in order to allocate the new gTLD Auction Proceeds” (see draft [charter](#)). This means that the proposal will not tell the community what to do with all that money: “the CCWG will NOT make any recommendations or determinations with regards to specific funding decisions”.

Worth noting is the perspective of the ICANN Board, as stated in a letter (February 2016) from the Chairman, Steve Crocker: “the CCWG is empowered to gather ideas and create one or more proposals which the Board will consider in final decision-making” (see draft [charter](#)). Considering that the Board already has two representatives in the drafting team (Erika Mann, Asha Hemrajani), one can only hope that the Board will more than only *consider* the feedback from the community.

The proposed [charter](#) for this CCWG was presented and discussed in Helsinki, as prepared by the drafting team. There were fewer people in attendance than expected (around 60 people, including the Adobe Connect room participants). Legal and fiduciary constraints identified in the framework of the WG charter include:

- Consistency with ICANN’s Mission as set out Bylaws
- Private benefit concerns (ICANN tax status restrictions):
  - Recommended prohibition on grants to individuals
- Must not be used for political activity
- Should not be used for lobbying activities
- Conflict of interest considerations
- Procedural concerns
- Financial and fiduciary concerns

Although the Chair of the Drafting Team, Jonathan Robinson, has plenty of chairing experience (as former Chair of the GNSO Council), he faced a tough crowd that had trouble focusing on the *framework* and *scope* of the CCWG Charter, rather than on actual spending goals or opportunities. There was a fairly long speech/question from ICANN Board Chair Steve Crocker, trying to make the point that the CCWG needs to focus on what the community wants to accomplish with the funds (objectives, mission statement). Nevertheless, a few constructive points were made, regarding in particular the scope of the CCWG (some thought it was too wide or not precise enough, others thought it was ok since it’s up to the CCWG to define the objectives of the funds allocation mechanism). There were also a few comments regarding concerns about statements of (conflicts of) interest and the need for some form of transparency register for potential CCWG members. There were concerns regarding the foreseen number of CCWG members (too small) and the great importance of getting input from experts at every stage.

Next steps will be for the drafting team to integrate comments received and finalise the Charter for consideration of SO/ACs.

[Draft charter](#)  
[Wiki space](#)

## New gTLD Subsequent Procedures PDP

The New gTLD Subsequent Procedures PDP Working Group is intended to review issues identified from the 2012 round of the New gTLD Program, determine if changes or adjustments for subsequent new gTLD rounds are needed and make policy recommendations. In addition to the PDP WG, there are other related efforts that should be taken into

account as the community plans for future rounds of new gTLDs, such as the CCWG on the Use of Country and Territory Names (CCWG-UCTN) and the Competition, Consumer Choice & Consumer Trust Review Team (CCT-RT), among others.

A cross-community session was held to discuss the subjects (38 in total, of which six have been identified as high-level, overarching subjects) that have been considered to date by the WG. The scope of this WG is quite large, hence the extensive discussions (one cross-community session and a full day WG session in Helsinki). The cross-community session turned more into a list of updates (presentations and download of information) than an actual discussion to gather input, but the WG session was a bit more productive (discussions of overarching subjects). Topics that were covered during the cross-community session:

- Update from the CCWG on the Use of Country and Territory Names (for more details, see section on country names & more)
- Update from the Competition, Consumer Trust & Consumer Choice Review Team (CCT-RT)
- Promoting applications from underserved regions/developing countries
- Community applications
- Geographic names and other names of public interest (for more details, see section on country names & more)
- Safeguards / Public Interest Commitments (PICs)

Feedback from the cross-community session participants was less constructive than in other sessions, with several people expressing their frustration with the overall process or asking basic questions about each work track, and several updates that were repetitive from previous sessions (e.g., GAC debrief session).

### Issues discussed in WG session

- How can implementation work proceed in parallel with policy development? (staff has prepared material and recommendations on potential implementation issues, will be reviewed by WG as potential starting point, thorough discussions between implementation versus policy development)
- Streamlining the .brand process

### Key issues identified in GAC meeting debrief

- ICANN Policy Context (next round depends entirely on completion of the ongoing reviews and PDPs, timeline is at least a few years)
- Current review and policy development work (CCT-RT, Subsequent Procedures PDP, RPMs PDP)
- Public policy issues (measurement of net consumer benefit and metrics, coordination between reviews and PDPs)
- Possible next steps for the GAC (review level of GAC member participation on Subsequent Procedures PDP and RPMs PDP, generally keep GAC in the loop)

[WG charter](#)

[Wiki space](#)

## Next Generation gTLD Registration Directory Service (RDS) PDP

After nearly 15 years of GNSO task forces, working groups, workshops, surveys & studies, the ICANN community has been unable to reach consensus on comprehensive WHOIS policy reforms. In response to the 2012 WHOIS Policy Review Team's Final Report, the ICANN Board launched the RDS PDP & the Expert Working Group (EWG) to inform it, and reconfirmed the request for a PDP in 2014 following the delivery of the EWG Final Report. Note that the RDS does not refer to the underlying WHOIS protocol itself – this is the job of the IETF, which created RDAP and is being slowly rolled out to replace the WHOIS protocol.

This WG is looking into what will be replacing or improving the current WHOIS. It has been formed to reach a consensus on two main questions: what are the fundamental *requirements* for gTLD registration data? and is a new policy framework and next-generation RDS *needed* to address these requirements? The WG is in its early stages: it is currently gathering input to form a comprehensive list of *possible* requirements (it's all about the list at this point) for a gTLD RDS.

### Cross-community session

Inputs gathered during this cross-community session were essential to inform this PDP WG's Phase One recommendations on whether a next-generation RDS is needed to replace WHOIS and why. The session

was led by Chair Chuck Gomes. A long [list of possible requirements](#) has already been gathered by the WG at this point, but the purpose of the cross-community session was to gather feedback from all participants, regardless of the current list. The charter questions that were covered during the cross-community session were the following:

- Users/Purposes: Who should have access to gTLD registration data and why?
- Gated Access: What steps should be taken to control data access for each user/purpose?
- Data Accuracy: What steps should be taken to improve data accuracy?
- Data Elements: What data should be collected, stored, and disclosed?
- Privacy: What steps are needed to protect data and privacy?
- Cross-cutting questions: Coexistence, Compliance, System Model, Cost, Benefits, Risks

It took quite some time to give context, explain the work plan of the PDP WG and with the greatest of intentions, the Chair also got several participants to give examples of requirements with the hopes of getting the other participants involved in the input and discussion, but the long intro was worth the effort. Although it took about 40 minutes to finally give the floor to all participants, the session was well-structured and the feedback was quite constructive. The views shared were pretty representative, coming from many stakeholder groups and companies (GAC members, registrars, registries, etc.).

The WG will be sending several small requests for comments instead of finalising a full draft report and sending it for comments to the community so it's easier and more manageable. Currently, there is a second informal outreach request for requirements that are not yet on the list. The draft list has been sent to the GAC at ICANN56 and needs to be submitted by the end of July. Timing is a big challenge for this WG.

### WG face-to-face meeting

The WG met over 2 sessions on Tuesday. The first part was consumed by concern around whether the GAC would/could eventually veto outputs of the group in the final stages (probably years away). There is a general unease (mostly GNSO regulars) about GAC impact on PDPs (particularly when it comes late) despite the efforts of the GNSO/GAC consultation

group and early engagement processes already setup. WG Chair Chuck Gomes remained optimistic on the issue noting the good GAC participation at the previous cross-community session.

The second part of the WG session touched on more substantive issues in relation to the near [800 potential requirements](#) (to be grouped off in the coming weeks) which is intended to form a list of “recommended” requirements. The group tussled between the finer details (e.g. specific data elements) of an RDS to high-level principles (such as security) concluding that approaching the work from the perspective of “use case” was a good idea.

There was some frustration at the scale of the workload with a non-member describing the work as a “bundle of ideas thrown into a soup bowl” and wondered how the work could ever produce a coherent outcome. ICANN staff will continue to group the list of potential requirements and the WG will resume discussions in the coming weeks.

[Wiki space](#)

## Review of All Trademark-Related Rights Protection Mechanisms (RPMs) in all gTLDs PDP

New RPMs were developed in the context of the New gTLD Program in 2012. This PDP WG was chartered by the GNSO Council to review them all in two phases. The first phase is to review all RPMs created for the new gTLD Program (see below) and the second phase will focus on the Uniform Dispute Resolution Policy (UDRP), which will potentially require a vast and extensive community consultation due to the fact that (just as WHOIS) this mechanism has been in place for many years. An open community dialogue session focused on Phase One was held at ICANN56 for community feedback on the proposed methodology; sources and approach for data gathering; and scope of issues to be addressed in Phase One.

### Cross-community session

The goal of the cross-community session was to discuss with the community the proposed methodology and timelines for this PDP and to obtain the community's input on data to be collected, and list of issues to be analysed, as part of the PDP. The session focused on gathering input on the following RPMs:



- Trademark Clearinghouse (TMCH)
- Sunrise Registrations, Trademark Claims Notices
- Uniform Rapid Suspension Procedure (URS)

As for most cross-community sessions, this one required extensive context, explanations and examples before giving the floor to participants. Feedback from the community highlighted the need for balance between TMCH rights holders and users, procedures, trademark agencies in developing countries, consider new providers using same central database, TMCH provider info (costs, funding, etc.), review implementation issues and several more.

### WG session

The WG session focused on the following issues:

- Reviewing the Trademark Clearinghouse (TMCH)
- Reviewing the Sunrise Registration Periods and Trademark Claims Notification Process (provided through the TMCH)
- Reviewing the Uniform Rapid Suspension dispute resolution procedure (URS)
- Data gathering - what sources and types of data would be useful?

[Wiki space](#)

## GNSO-GAC tensions re-surfacing

The GAC and GNSO are often at odds with each other on certain topics and processes, but it seems that the underlying tensions have been particularly palpable during this meeting in Helsinki across several sessions.

Important points of contention include two issues, which have already been finalised (PDPs completed and now awaiting Board approval):

- Privacy & Proxy Services Accreditation Issues PDP (see GAC section for more details)
- Reconciliation of GAC advice and GNSO policy recommendations on protections for Red Cross identifiers and International Governmental Organization (IGO/INGO) names and acronyms

The ICANN Board is trying to avoid intervention and decision-making at this point, calling for both the GAC and GNSO to resolve their issues and come up with solutions.

Regarding the challenging coordination between the GNSO and GAC in current PDPs, the GAC has asked the GNSO to be clearer on the window for forwarding comments, while the GNSO is pleading for the GAC to join and/or sit in the active WGs/CCWGs. The GNSO also invited individual governments to participate, especially to give feedback on specific national legislation (to get widest range of views from the GAC).

However, Jonathan Robinson, Co-Chair of the GAC-GNSO Consultation Group, highlighted in a short update that progress had been made, even if the effects might still take some time to be felt. The Consultation Group (CG) is a joint GNSO-GAC initiative to explore and enhance ways of early engagement of the GAC in relation to GNSO policy development activities. Work divided in two tracks: day-to-day ongoing coordination and GAC early engagement in GNSO PDP. Deliverables to date:

- GNSO Liaison to the GAC – permanent role
- Implementation of PDP issue scoping recommendations as a pilot (Quick Look Mechanism, or QLM)
- Monthly PDP “one-pagers” highlighting next engagement opportunity
- Joint GAC-GNSO Leadership calls prior to ICANN meetings to prepare joint session and discuss any items of common interest

The CG held a survey on the efficiency of the QLM and found that over 60% agree that the mechanism has positively contributed to the early engagement of the GAC in the GNSO PDP, even though there is also interest from the GAC to have similar mechanisms for the later stages of PDPs.

# GAC Report

## Country names & more

Overview of issues addressed in this section:

Type	GAC WG meeting	GAC session	GAC session	(C)CWG UCTN summary	Cross-community session
<b>Specification</b>	Protection of Geographic Names (“Geonames”)	Country Codes and Country Names as Second Level Domains (SLDs)	Three-character (“letter”) country codes	Use of country and territory names as top-level domains	Country and other geographic names forum
<b>Domain level</b>	Top level	Second level	Top level	Top level	Various
<b>Focus/mandate</b>	Capital city names, regions, countries, etc. AND 3-letter country codes	2-character (“label”) country codes and full country names	ISO 3166 alpha-3 list	Straw-woman paper only on 3-letter country codes (ISO alpha-3)	
<b>New gTLD round</b>	Future rounds	Current round	Future rounds	Future rounds	Future rounds
<b>Links</b>	<a href="#">Slides</a>	<a href="#">Slides</a>	<a href="#">Slides</a>	<a href="#">WG Straw-woman Paper</a>	

### GAC Protection of Geographic Names Working Group (next new gTLD round)

#### Background:

The GAC’s WG on “Geonames” focuses on how to improve the protection of geographic names in potential new gTLD rounds. This includes capital city names, regions, countries, communities, etc. The WG does not cover two-letter country codes as second-level domains (SLDs) in current rounds. As the interface to the CCWG on the use of country and territory names (UCTN), it will also look into 3-letter country codes in ISO 3166-1 (alpha-3 codes, i.e. the sole focus of the now-debated straw-woman paper – see section on UCTN).

The WG looked at past experiences (e.g. .amazon, .spa, .berlin, .thai, .gay) from which it tries to derive “best practices” for future rounds. The aim is to avoid/prevent misuse, lower conflict and to decrease uncertainties for applicants. The WG also explains why protection is necessary “as a matter of public policy”. As a consequence, a major task is to define what “the public interest” and “community interests”

are. The WG aims to actively participate in related GNSO PDPs related to new rounds of gTLDs (e.g. Preliminary Issue Report on New gTLD Subsequent Procedures by Peru, Paraguay, Venezuela and Argentina).

The GAC gets guidance from its own principles in the area, referring (1) to provisions of the Universal Declaration of Human Rights (dignity and worth of a human person, sensitivities with regards to national, cultural, geographic and religious significance) and (2) to the notion that “ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities”.

#### What has been discussed this time?

- **Best practices in new gTLDs:** The GAC is working on a best practice document and has gathered public comments. Best practices include anything that worked well for geonames, community names, public interest commitments (PICs), developing countries, GAC early warning procedures, etc. A sub-question is to make

best practices “enforceable” (sic), by looking particularly at worst case examples. Proposed best practices include: contact relevant authorities if a selected string is directly related with a country, city, etc.; enhanced outreach by ICANN to all countries of the world before the next new gTLD round; creating an appropriate way for governments to raise concerns and to reach consensus among governments and applicants.

- **Public interest:** The GAC still tries to define the term and have started looking for references in ICANN and other documents (e.g. ICANN Strategic Plan for fiscal years 2016-2020, WSIS, IGF workshop).

**Discussion:** Apparently an ICANN lawyer was contacted by one GAC who allegedly said that “public interest” was to be seen in the context of Californian law. Iran warned about having an ICANN lawyer deal with issues that are of national sovereignty.

**Outcome:** The “public interest” document will be reviewed, the GAC are asked to provide feedback by next month. This could be sent to ICANN as GAC contribution (or individually per GAC) and potentially opened for public comment

- **Annexed / occupied territories:** Ukraine wants the WG to look at the protection of geonames that are situated in annexed or occupied regions or territories to better understand who is responsible for these names (self-declared governments or “failed control government but internationally recognised”). The suggestion is to replace the notion of “relevant government” by the concept of “governments internationally recognised”.

**Discussion:** The debate should not be “politicised” (Iran); it seems similar to the issues around access to international seas (access by current government versus historical access). The notion of “relevant” government is inherently wrong, as a government cannot be “irrelevant”, a case-by-case evaluation of “the government” would be needed (Peru); ICANN cannot grant geographical names of self-declared countries or conflict territories if the term “relevant” is not clearly defined, therefore an ICANN or UN lawyer would need to be involved (Georgia). Nigeria added that the Internet of Things could lead to

global governance, which is a political debate by nature; also, governments were not only national but also regional and local. Olof Nordling reminded the GAC that they need to work on lists, such as ISO 3166-2.

**Outcome:** “I’m not sure whether we reached agreement, but we had a good discussion” (Olga Cavalli).

**Relevance to ccTLDs:** The issues addressed this time do not have a direct or immediate impact on ccTLDs. It will be interesting to see what the “enforceability of best practices” is about and whether this could affect also national ccTLD-government relationships. A broad definition of “public interest” could impact almost everyone and would give an indication of which areas and how governments intend to broaden their powers in the overall Internet governance debate. The issue of annexed and occupied territories is of obvious relevance to countries in that situation. However, a potential change of “relevant government” into “governments internationally recognised” could have far-reaching political impact and put ICANN in the uncomfortable situation of judging on what that means.

## Country Codes and Country Names as Second Level Domains (SLDs)

### Background:

This concerns two-character (sometimes called “two-letter”) country codes (CC) as per ISO 3166-1 alpha-2 and full country names at the second level in current rounds (e.g. *fi.club*, or *finland.club*, respectively). It therefore is an implementation issue, i.e. an ongoing process development since 2014 and implies, e.g., notifications, mitigation, etc. The approach of the GAC differs: some countries and territories do not require notification for the release, others require an explicit agreement. The session was sub-divided into codes and names. A summary of the discussion on both is added at the end.

### 1) 2-letter country codes, second level, current round

#### Background:

The point of reference of two-character labels is Registry Agreement (RA) Specification 5, which reserves CCs as SLDs (they are either withheld

or allocated to the Registry Operator (“RO” or “registry”). However, registries can ask their relevant government for release. If governments see a risk of user confusion (with the ccTLD), they can state this in a comment. Registries can respond with mitigation plans.

### Why is this being discussed now?

ICANN started drafting mitigation plans, but has not yet published the criteria used to assess mitigation plans and to address government concerns. Now is the time for the GAC to feed in.

### What the GAC is suggesting – a draft proposal

The GAC analysed mitigation measures proposed by registries so far: registries for brand TLDs stated that Registry Agreement Spec 13 prevents confusion with TLDs. Registries with restricted registration said they address this through their policies. Open TLD registries commit to addressing reports of misuse. “Phased allocation programmes” have also been used in the current round, whereby ccTLD managers could register objected CCs for 30 days. Few registries prohibit the resale of lower level domain names under objected CCs.

Based on this analysis the Spanish GAC (Gema Campillos) has come up with a draft proposal for GAC advice on mitigation with the ultimate aim to “preserve the distinctive character of 2-letter codes as country identifiers in the DNS / prevent confusion”. From there she built a case for a list of measures from minimum requirements for registries to ultimate prescriptive powers for governments, apparently based on the assumption that no one could be trusted and hence all cases of misuse should be prevented upfront.

Her preferred solution was an adapted format of “phased allocation” (ccTLD managers have priority to register CC), except for brand TLDs and TLDs with restricted registration policies (if the ccTLD is not interested, trademarks, trade names etc. would be second in line). For open TLD registries, addressing abuse reports was “the minimum they should do”. Spec 13 would work for brand TLDs, restrictive registration policies would be sufficient, but only if quality was added (i.e. checking compliance with requirements before registration and not afterwards). She then added (wild) suggestions, including price

caps (i.e. prohibiting the 2-letter code to be higher priced than ordinary SLDs for governments or ccTLD registries, especially for renewal prices) and an obligation to use the domain name (as otherwise it would be a lost opportunity to promote the image of a country; unless, of course, the government decides to take it off the market). Obviously the preferential scheme for ccTLD registries gave rise to another issue: what if a government’s relationship with a ccTLD was not good or the latter was not interested in the CC? Then obviously, the government would be allowed to participate in the phased allocation period.

Under this scheme, practically, es.google would be allowed (country identifier, no confusion), es.abogado allowed (a [PIC](#) is in place), es.army (not allowed, strong link with “strictly governmental functions”, risk of confusion).

## 2) Country names as SLDs, current round (e.g. *spain.new*)

### Background:

The point of reference, again, is Registry Agreement Specification 5, which reserves country and territory names (CTN). However, registries can propose release to relevant governments or ICANN, subject to a review by the GAC. The GAC created a database “clarifying individual GAC Members’ requirements regarding notification of request for release”. Around 80 Members said they did, 9 said they did not want to be notified. Previous GAC advice on CTN called on the Board to recognise the importance and sensitivity for governments and make sure that there is actual consent and that a lack of objection did not constitute approval.

### Why is this being discussed now?

Gema Campillo (GAC, Spain) suggested the GAC should “be **proactive** and give ideas on how to develop the process” for a possible future GAC process for CTN as SLDs, even before ICANN decides on such a process – because the process for the release of 2-letter names “was a strenuous experience” and because country names were even more sensitive. Governments should be concerned about: political and sovereignty-related issues, limitations to their capacity to participate, sufficient time for national consultations, countries that are not represented in the GAC. Again, Gema proposed a



differential approach per category of TLDs (restricted TLDs, brand TLDs, geoTLDs, languages in which TLDs are meaningful, etc.).

She suggested that the GAC issue advice asking ICANN to conduct an analysis of (1) past experiences, e.g. how many community names were registered for CTNs, what they were registered and used for, what the cases of misuse there were, etc. (2) future plans to register CTN by large registries and those running Category 1 strings as TLDs.

### Discussion (on both subjects):

ICANN's Global Domains Division (GDD) saw the need to remind the GAC that the registries have registration policies and are required to publish them. It is the registry that sets prices, not ICANN; if pricing changes, there must be a notice period to registrars. The GAC seemed very divided on the issue.

Denmark failed to see the problem, saying that pricing should not be regulated, consultation with other stakeholders was needed and it should be clearly stated that this would be advice from some; not all GAC [applause in the room]. The Netherlands also saw no problem of confusability: nl was used in many TLDs, ccTLDs might not be significant at all second levels, some can live perfectly together, e.g. .nl.de (a Dutch coffee brand). He failed to understand why governments and ccTLD registries should be given priority over trademark owners. India wondered what should be done if no amicable solution under mitigation could be found and answered itself: then the government should have the final word (their learning from .in and .ln). Australia warned that the GAC should focus on principles of co-existence rather than on blanket bans or giving governments priority. Iran and UK showed an interest in waiting for the results of an ICANN study on what issues had arisen and if there were deficiencies in resolving them before going ahead.

**GAC Advice:** Given the diversity of approaches within the GAC, Advice to the Board remained rather docile, namely to “urge the relevant Registry or Registrar to engage with the relevant GAC member when a risk is identified”. If no agreement on already registered names can be found, a third party should assess the situation.

**Relevance to ccTLDs:** Some of the suggestions in this area are very worrying and illustrate how the

lack of resources among the GAC can lead to one country “hijacking” a subject. Nevertheless, given the strong impact of these suggestions on the national sovereignty of each country, they are unlikely to take the shape of consensual GAC Advice and thereby impose a framework on governments’ relationships with ccTLD managers.

## GAC: Three-character codes as top-level domains (TLDs)

### Background:

Three-character country codes (CCC) as top-level domains (TLDs) refer to future rounds, for which a policy development process (PDP) needs to be defined (e.g. cranberries.fin). The first round prohibited such applications. This is also the focus of the straw-woman paper developed by the (C)CWG UCTN (see below), which looks at lifting the current restrictions for CCC based on the results of a survey conducted in September 2015. Six GAC members follow the work of that WG. References are: ISO 3166 alpha-3 (approx. 300 codes) as well as the new gTLD Applicant Guidebook.

### Why is this being discussed now?

The GAC's Geonames WG (under the lead of Gema Campillo, Spanish GAC member) has worked on a draft response [not available publicly] to the [UCTN's Straw-woman paper](#), which now awaits GAC endorsement. It is based on the assumption that “the GAC” perceives a strong association of ISO 3-letter codes with a country and therefore a high risk of confusion with its ccTLD. The draft therefore argues to uphold current protections, which would prevent ISO 3-letter codes as TLDs from being delegated. The idea to expand the ban to all 3-letter code combinations (approx. 17,500 additional ones) also floated in the room.

### Discussion

In spite of the above assumption, the GAC seemed very split. Here an overview:

- Acknowledgement of strong association of CCC with country (Norway, Taiwan, Spain)
- Focus on ISO country codes, do not go beyond: Denmark
- Going beyond current protections: associate CCC with 2-letter CC (China)

- More liberal (make available): Sweden, Estonia
- Priority for ccTLD or government to apply: Spain
- Other issues: do not associate “no reply” (especially by developing countries) with agreement (Iran, Indonesia); sovereignty (do not address: Denmark; do address: Spain); enforcement (what is meant, asks Denmark; is needed for contractual restrictions because “intention to cause confusion” is subjective: Spain)
- Timing: continue “studying” [i.e. block] the issue before going further (Iran, Thailand, Gabon, Burundi), provide feedback now to avoid that (C) CWG goes ahead (Norway)

**Outcome:** The Chair (Thomas Schneider) said that those who want to use a country’s CCC should be able to do so; it should be in the sovereignty of a country to decide what to do with that name.

**GAC Advice:** The Board should continue analysing the issue, in particular, with regards to whether the use of CCC “is considered to be in the public interest”. Current protections should be upheld unless the GAC and other ICANN constituencies reach consensus that the use of CCC as TLDs “would be in the public interest”. In its explanation, the GAC say that rushing into a removal of current protections “could have political ramifications” [without further specification], therefore “time and sincere engagement” is requested. CCC have strong associations with their country, “sometimes even stronger than their 2-letter equivalent”. Some GAC are in favour of reserving their use for the local community, while others would consider allowing “other legitimate uses” [again, without specifications].

**Relevance to ccTLDs:** Again, a highly relevant discussion for ccTLDs in view of some of the suggestions put forward during the session and GAC Advice promoting to uphold the current protection scheme. Given the rather strong views of all constituencies involved, consensus on a more liberal approach (lifting the protection) are highly unlikely.

### **Cross-community WG on the Use of Country and Territory Names as TLDs: Straw-woman Paper (summary)**

The Straw-woman Paper itself was not presented at any of these sessions. Therefore, this section provides a short overview. It was developed by the above-

mentioned WG, inconsistently referred to as CWG and CCWG UCTN.

### **Background:**

The Straw-woman paper only regards 3-letter country codes in ISO 3166-1 (alpha-3 codes). The Applicant Guidebook restricted applications for new gTLDs that match an entry in ISO 3166 alpha-3 (AGB Module 2, Section 2.2.1.4.1. on country and territory names; criteria), i.e. they cannot be released to the DNS. This is also the case for 34 additional strings that are on the reserved list of top-level strings (e.g. .gac, .aso, .nic, .iab, .nro, .tld). An often referred to precedent of a gTLD on alpha-3 list that has been in use as gTLD for 27 years is .com. The (C)CWG conducted a survey from which it derived three options for the use of CCC in future gTLD rounds and complementary recommendations:

1. Support for opening all ISO-3166-1 alpha-3 codes to eligibility as gTLDs. Reason: there is no sovereign or other ownership right of governments in country or territory names, including ISO 3166-1 codes, so there is no legal basis for government veto power on allocation of these codes as gTLDs.
2. Support for the status quo, i.e. ISO-3166-1 alpha-3 codes entirely excluded from eligibility as gTLDs). Reason: prevents cannibalisation with existing ccTLDs (e.g. .ca versus .can) when a gTLD registry tries to run/market a gTLD as a ccTLD; avoid user confusion, provide user certainty. (This is the preferred option of the GAC and part of its Advice at ICANN56).
3. Support for the allocation of ISO-3166-1 alpha-3 codes to their respective, existing ccTLD operators to run as a second country code TLD, should the providers wish to do so. Reason: providing new business streams for ccTLD providers, especially smaller ones or those that have so far run “their” ccTLD as an effective gTLD.

**Recommendation:** Open up all alpha-3-codes for application as gTLDs in future new gTLD round(s) under two conditions:

1. The legal entity applying for a string comprising an ISO-3166-1 alpha-3 code must not market the TLD in a way that it could be confused with existing two-character TLDs. This must be contractually enforceable through the relevant registry agreement between the successful applicant and ICANN.

2. Existing string similarity rules and existing rules regarding geographic names shall not be affected by this recommendation.

Rationale: no unfair competition between ccTLD and 3-character gTLDs; consistency in that situations are avoided where ISO codes of some countries are protected and those of new ones are not (precedent of .com).

**Relevance to ccTLDs:** Given the unambiguous GAC Advice to uphold the current system, it is rather unlikely that any other proposal will prevail, as it would lack the community backup needed. However, it will be interesting to see if the UCTN continues its work under these circumstances.

## Cross-community session: country and other geographic names forum

### Background:

The session started by outlining nine (rather incomparable) country and other geo names related policies, processes and discussions running in parallel within ICANN (e.g. new gTLD Application Guidebook, ISO 3166-1 restricted to ccTLDs, Specification 5 of registry agreement, IDNs, GAC principles, different WGs, etc.). The main question was: in the light of all these parallel activities, is it feasible to develop a harmonised framework on the use of country and geographic names in the DNS? Additional questions: what should be the reference point (Applicant Guidebook? ISO-list?), what should be the appropriate process (PDP or CCWG and its perception by the Board)?

### What was the “temperature” in the room? (extracts)

- GNSO: need for predictability; differences between country and city or geographical names; ccTLDs should not be involved in second-level discussions.
- GAC: consultation with relevant government; no GAC advice yet, diverging views.
- ccNSO: avoid confusion, harmonised framework impossible; do not review principles that have been around for a long time and worked; recognise that you cannot protect all geographic names; GAC and ccTLDs could see themselves opposed to GNSO.

- Geo: applicant guidebook clearly refers to “this round”, so does not apply to next round.

**Outcome:** The session turned from an open discussion on the feasibility of a harmonised framework to a discussion on how (through which process) to implement it without having answered the first part on feasibility.

## GAC Updates

Link to the [ICANN56 GAC Communiqué](#)

### Internal matters

The GAC have grown to 168 members (new: Belize, Suriname, Guyana, Panama, Honduras, Republic of Congo). At ICANN58 the term of both the Chair and the Vice-Chairs will end. The Chair announced that he would stand again, all Vice-Chairs are not eligible for re-election. Nominations open with ICANN56 and close on 19 September. Only members can be nominated (either self-nomination or by another member), not observers. Worried about GAC Advice effectiveness, the GAC will have post-communicé exchanges with the Board from now on.

### (Open) Meeting of the GAC Public Safety Working Group (PSWG)

[Slides](#) (during meeting, on PPSAI)  
[Slides](#) (for plenary, general)

### Background:

The GAC’s [PSWG](#) only exists since ICANN52 and comprises GAC members, law enforcement experts and consumer protection agencies (and aims to increase participation in the field of data protection). It focuses on “aspects of ICANN’s policies and procedures that implicate the safety of the public” – in its widest sense (cybersecurity, consumer protection, privacy, etc.). It meets not only at ICANN but also elsewhere (e.g. Brussels, January 2016). It is involved in, e.g. Privacy and Proxy Services Accreditation Issues (PPSAI), the Next Generation gTLD Registration Directive Services (RDS) to replace WHOIS, gTLD safeguards, e.g. to mitigate DNS abuse, the CCT Review Team, etc. It interacts with the GAC’s WG on Human Rights and International Law (HRIL). The actual meeting of the PSWG (Wednesday) was closed.

## What was discussed this time?

### **Update on the Healthy Domains Initiative (HDI)** **(Mason Cole, GNSO liaison to GAC)**

The purpose of the HDI is threefold: 1) to provide a network of collaboration for industry to provide a healthier and evolving DNS, 2) to identify or develop industry best practices and promote standards for healthy domains, 3) to demonstrate the community wish to implement those practices. A few meetings have taken place (summit in Seattle, ICANN55, etc.). A best practice document is now under development and will become the first output of the HDI. A survey was conducted among registries and registrars to assess what has already been done to promote a healthy domain name space (e.g. monitoring phishing, pre-registration validation for security TLDs, publication of easy tools to report abuse complaints, etc.). Best practices will be categorised into 1) operational best practices (immediate implementation, proactive recognition and action on abuse, reporting etc.). 2) aspirational best practices – currently not in place, but could so over time, e.g. timely response to take down request by LEA, (legally) sharing of information among contracted parties; e.g. about fraudulent domain name registration (credit card fraud, online child abuse, badware). 3) additional practices (possible in the future), e.g; third party validators with expertise and credibility to validate complaints and firm trusted relationship between party and RY and RARs; trusted notified programme: experts in content, who can let RY and RARs know about copyright infringement. These ideas will now be reviewed and refined. Assigned sub-groups will develop concepts around operational practices. They are also thinking about holding another summit.

**Discussion:** The HDI seemed eager to “bring [suggestions] into the community” (e.g. hate speech and security). Mason did stress, however, the need to balance free speech rights with dealing with clear and pervasive copyright. He also mentioned that security issues (e.g. DNSSEC) were often “already baked into operations of registries and registrars” and therefore not the focus of HDI.

**Relevance to ccTLDs:** Some ccTLDs are involved in the HDI. The HDI is deliberately drawn up outside the scope of ICANN as an industry self-regulatory effort, but increasingly gets entangled in it (e.g. its own session at ICANN55 and ICANN56). The GAC shows a high interest in its work. On the one hand, it

remains to be seen in how far this could awaken the desire of governments or law enforcement to expand such initiatives (or this one) to include registries and Internet infrastructure providers more generally and in mandatory schemes. On the other hand, it might get more difficult for the latter to balance such desires with the objective to uphold free speech rights and to ward off excessive claims to monitoring the domain space for infringements.

### **Privacy and Proxy Services Accreditation Issues (PPSAI)**

#### **Background:**

Privacy services show the real registrant but masking the company contact. Proxy services do not show the real registration, only the name and contact information of the proxy company. Roughly 1 in 5 domains use a P/P (privacy/proxy) service, among these proxies are used in 9 in 10 cases.

#### **Why is this being discussed now?**

Until now, there has been no ICANN framework for P/P services and only few rules or policies. The GNSO Privacy & Proxy Services Accreditation Issues (PPSAI) PDP WG has produced a final report with recommendations. The GAC submitted comments to the Initial Report (gTLD WHOIS Services). Whereas they welcome the creation of this framework, and do not question the “really excellent service that P/P services provide”, they feel that not all of their concerns have been taken up and that specific modifications for law enforcement requirements need be included. The PDP, however, is now closed and about to be voted by the ICANN Board.

#### **GAC main concerns**

1. P/P service providers should keep LEA requests confidential as required and/or permitted by local laws (the risk would be that the alleged criminal could destroy evidence if he/she finds out about investigations)
2. P/P provider might not need to respond to LEA requests from other jurisdictions due to the definition of LEA (however, investigations often occur across borders)
3. P/P services should not be available to commercial domains that collect money for goods or services (in order to protect consumers from fraud and crime, and to comply with obligations “in many jurisdictions, e.g. the EU”)



The WG, however, argues that 1) it did not develop a LEA Disclosure Framework due to authorisation and confidentiality issues, 2) the LEA follow the 2014 RAA definition, 3) defining such activity would be difficult, the WG responds to public comments on privacy risks to protect home-based/small businesses, they are required to provide info on website (not WHOIS), disclosure can still be required through court orders.

The suggestion of the PSWG was not to reopen and thereby delay the process but rather to address these issues during implementation, e.g. concern (1) through a LEA disclosure framework, (2) through the same framework of amendment of the LEA definition in RAA, 3) seems to be the stumbling block. However, a “de-accreditation process” (mentioned in the GAC Communiqué, page 8) could “provide the means to revoke the accreditation of providers harbouring actors engaged in deceptive, unfair, or fraudulent conduct or repeatedly not responding to LEA requests.”

GAC Advice reflected pretty accurately a prior PSWG draft solution. It called on the ICANN Board:

- To ensure that GAC concerns are effectively addressed by Implementation Review Teams (IRT) during implementation; the PSWG would participate in the IRT.
- If, during implementation, policy issues emerge, they should be referred back to the GNSO for “future deliberations in consultation with the GAC”

**Discussion:** The Council of Europe suggested to include references to national privacy acts (which allow exemptions for LEA to notify data subjects to avoid negative effects), sharing of evidence among LEA could happen through frameworks such as the Budapest Convention on Cybercrime [however, they were told that this Convention pertains to criminal procedural laws and their enforceability and would not match the case]. Spain on (3) referred to jurisdictions where also administrative authorities (e.g. France) “can pursue and enforce law” and not only LEA. The Board should therefore “give order to implementers to take this [GAC advice] seriously and to accommodate those recommendations, and if not implementations, these [issues] go back to the Board”. Canada urged that, given more than 10,000 comments on the subject, the work move forward, also in view of the RAA (dealing with the collection of

WHOIS) expiring in January 2017.

In the subsequent cross-community session, Steven Metalitz confessed that “implementation is going to be a difficult and complicated process – many issues need to be resolved during implementation”. However, the new mandatory modality that there are implementation review teams (IRT), will improve quality. A disclosure framework for law enforcement might indeed be “a great idea”. Cathrin Bauer-Bulst (European Commission) clarified that this framework did not impact on national legal frameworks and would not prevent a situation where a national law obligates disclosure. Instead, a new default was created, “whatever providers to do accommodate law enforcement requests is automatically additional”. Also, it was “not about general access by anyone and not about mass surveillance”.

**Relevance to ccTLDs:** If a law enforcement disclosure framework was to be agreed upon, governments could wish to apply its principles even outside the framework of ICANN. P/P service providers are likely to provide their services not only to gTLDs but also to ccTLDs. If they changed their policies to accommodate for the PPSAI recommendations, ccTLDs might want to keep track of them.

#### ***Update from the Competition, Consumer Trust & Consumer Choice Review Team (CCT-RT)***

[Link to presentation](#)

#### **Background:**

The GAC received an update on the state of affairs of the “Competition, Consumer Trust & Consumer Choice Review” (CCT-RT) in the DNS space. For those familiar with the review, the update will not hold much news. The objective of the review is to evaluate how the new gTLD programme has promoted CCT, how effective the application evaluation process is and how effective safeguards are. One of the studies, conducted by an external firm (Nielsen), compares new gTLDs with legacy gTLDs and ccTLDs. Where possible, results are quantitative and evidence-based. The work of the RT is subdivided in three teams, each focusing on a set of questions (e.g. has the new gTLD expansion promoted price competition and/or competition among registrars/resellers, is abuse more or less prevalent in new TLDs, what enforcement mechanisms are in place, what are user expectations,

how effective has the prevention of delegation of confusing or harmful new TLDs been, how effective has GAC public policy advice in this area been, etc.).

Timeline for results: results of the second phase of the [Consumer Survey](#) (Nielsen) are available, registrant survey results and economic study results expected for September 2016, a survey of new gTLD applicants later in 2016. Interim recommendations are to be addressed at ICANN57. The draft report will be released for public comment in December/January, the final report will be published for public comment in April 2017. However, considering the amount of ongoing work, delays can be expected.

**Discussion:** Spain said the survey should be more representative of what Internet users think of the DNS including especially those who are not necessarily familiar with it and hence more likely to be cheated upon or to become victims of fraud. Denmark asked if the cost of new gTLDs to the industry in terms of defensive registrations was to be included (the RT answered it was).

**Relevance to ccTLDs:** The CCT-RT produces studies and analysis, among other things, on how the first round of new gTLDs performed on the market, including compared to ccTLDs. If results ever hinted towards confusability and conflict, an increase in abuse, or security issues for users, the GAC will have good arguments to block any subsequent new gTLD rounds. As stated in the Communiqué (page 7), however, “there is currently [at least] no public policy reason why further release of new gTLDs should not process as a general principle”. Yet, “valid public policy reasons” did exist, and data for a proper assessment was missing. It is also worth noting that the RT has been in regular contact with CENTR to collect aggregated (publicly available) data on the ccTLD market.

# IANA Stewardship Transition and Accountability update

## Background:

The moment the NTIA announced its intention to transfer its oversight role over the IANA function to the international community, the different stakeholders started working on a transition plan. After intensive work, the IANA Stewardship Transition Coordination group (ICG) forwarded a proposal to the ICANN Board and the NTIA. That proposal consist of two parts: the proposal for the transition and a proposal to strengthen ICANN accountability. The ICANN Board has approved the Bylaw changes that these proposals required and the NTIA has endorsed the proposal early June 2016. We have now moved to the implementation phase and in parallel, some open issues are being discussed and solved.

The Accountability work was split in two parts: Work Stream 1 contained all the elements that needed to be in place by the time of the de facto transition (the contract expires in September 2016), Work Stream 2 contains the elements that were deemed important, but not time-bound.

## Post Transition IANA structure, contracts and Customer Standing Committee

The transition of the operations will be based on 4 contracts between ICANN and PTI (Protocol parameters Function Subcontracting agreement, Naming Function contract, Intercompany agreement, numbers function subcontracting agreement). It is important to note that the contracts will be referred to in the Bylaws so they are as protected as possible.

Practical implementation of PTI specific articles:

- Decisions and actions of PTI shall comply with local law (except if that would force PTI to break its own laws – including FoI)
- Consent needed from impacted registry to make any changes
- PTI will not discriminate between ccTLDs
- Will not require a contract in order to provide services to ccTLDs
- Will not impose additional requirements unless directly and demonstrably linked to the global security, stability and resilience of the domain names system.



The SLAs are still being developed based on new datasets that are currently being collected over a 3-month period (see also IANA update in ccNSO report).

One of the most important elements for ccTLDs in this new structure will be the Customer Standing Committee (CSC). This is an oversight body that will monitor PTI performance against the SLAs for the naming function.

The CSC will be composed of 5 members (2 gTLD registry operators, 2 ccTLD registry operators and 1 additional TLD representative) and 6 liaisons. Liaisons will not have voting rights.

The CSC must be appointed by the ccNSO and GNSO Councils by 15 August 2016.

Given their crucial roles, the ccNSO has put in place stringent requirements for the candidates:

- Direct experience and knowledge of the IANA naming function
- Analytical skills, ability to interpret quantitative and qualitative evidence, and capacity to draw conclusions purely based on evidence
- Experience in managing and/or participating in committees (e.g. Meeting coordination, reporting, and escalation) in order to contribute meaningfully to CSC processes
- Demonstrated ability in relationship management to support diplomatic discussion, consensus driven decision making, and productive negotiation
- The candidates have excellent communication skills in order to represent ccTLD interests and to keep the ccNSO and broader ccTLD community informed on progress
- Able to work and communicate in written and spoken English
- Should commit to actively participate in the activities of the CSC on an on-going basis
- Should be employed or have active backing by a ccTLD manager and should demonstrate the support by the ccTLD manager in respect to the required time commitment to participate actively in the CSC

## Next Steps

Call for Expression of Interest: 30 June – 15 July  
ccNSO Council selection: 16 July – 20 July  
Coordination with RySG: 21 July  
Appointment of the CSC members: 22 July

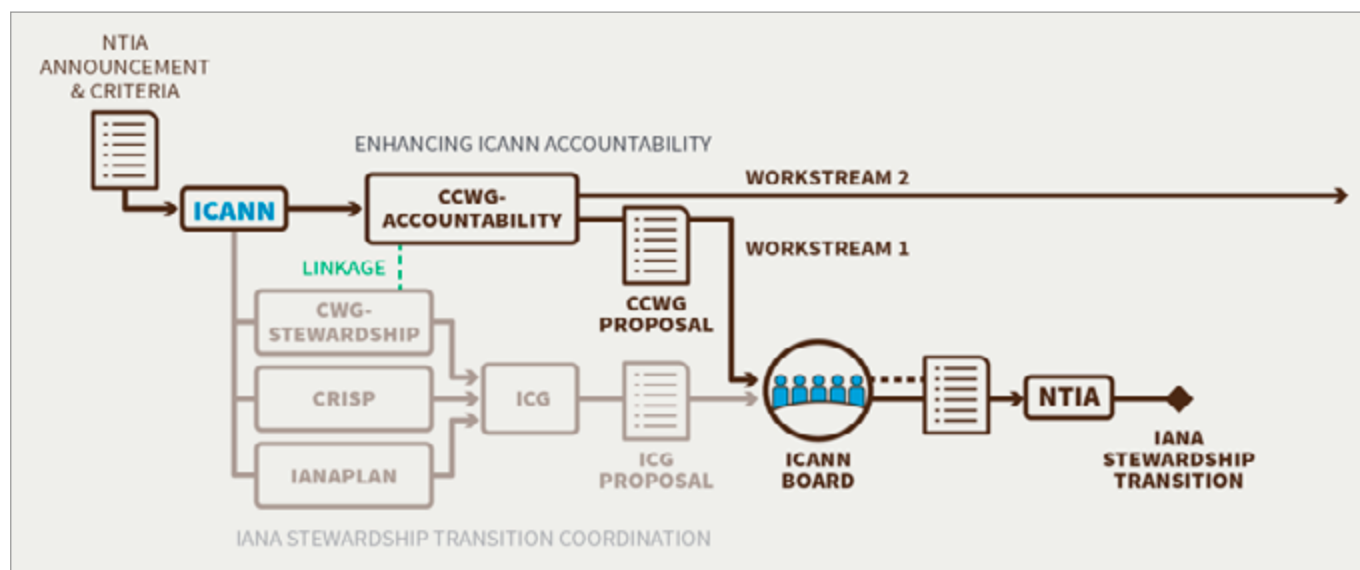
If you match the criteria and you want to apply, please send a statement of interest to [ccNSO-CSC-EOI@icann.org](mailto:ccNSO-CSC-EOI@icann.org)

The Root Zone Evolution Review Committee (RZERC) will review and provide input regarding proposed architectural and operational changes to the root zone. RZERC should be in place by 30 September.

The IANA intellectual property rights will be transferred to the IETF Trust through a contract between the operational communities and the IETF trust.



## Accountability Update



**Work Stream 1:** Almost everything is done, only a few issues to tackle in the context of the IANA stewardship transition.

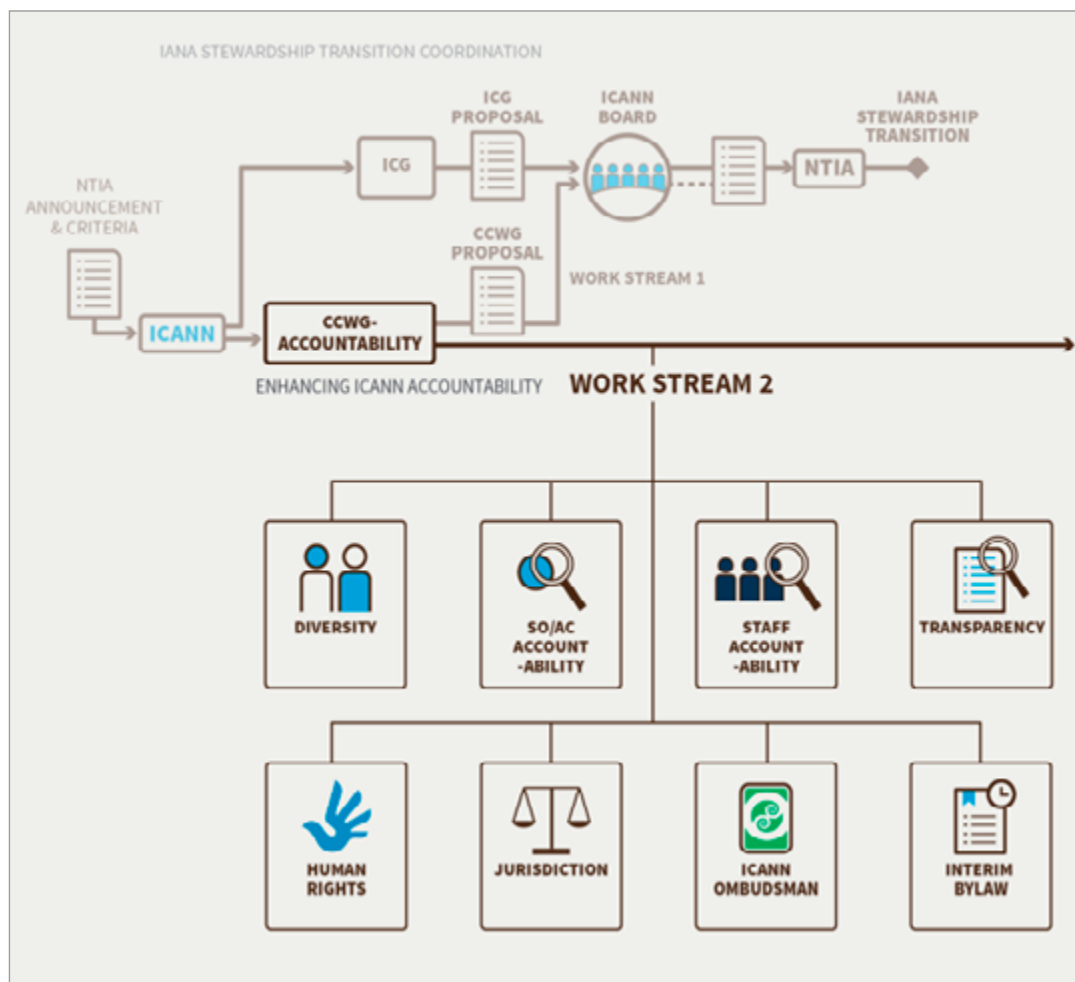
Phase 2 project is focussed on the rules for implementation of the enhanced independent review process. Decision on delegation, revocation of transfer are at the moment not subject to review (see also ccNSO PDPs on these topics in the ccNSO section of this report). All other decisions are subject to an independent review mechanism. A standing panel of arbitrators will be identified through an upcoming RFP. It will be crucial to have qualified candidates from around the world, guaranteeing legal and linguistic diversity.

**Work Stream 2:** This will include accountability improvements related to the following 10 items:

- Diversity
- SO/AC accountability
- Staff accountability
- Transparency
- Human Rights
- Jurisdiction
- ICANN ombudsman
- Interim Bylaws

And in addition:

- Review of Cooperation Enhancement Project (CEP)
- Community guidelines for conduct during Board removal process



### Timeline for Work Stream 2:

It is realistic to expect recommendations by June 2017. Some of the 9 working groups working on Work Stream 2 might move a little slower. First substantial discussions to take place in Hyderabad. Cost estimate for FY17: \$4 million USD (this includes finalisation of implementation of WS 1 and WS 2 accountability). ccNSO members pointed out the risks related to volunteer fatigue and meeting unrealistic timelines for these 9 issues. Human rights is a very complicated subject that deserves a different approach to e.g. staff accountability.

(The ccNSO Council later took note of the impact on the ICANN budget FY2017.)

The ccNSO also looked into proactive ways to deal with the ccNSO accountability questions. The Chair (Katrina Sataki) presented the results of a member's survey that looked into existing accountability and transparency mechanisms within the ccNSO. Overall satisfaction was high/very high. The survey also included some suggestions as to how to improve in the future.

### Position of the GAC

The GAC agreed to nominate a liaison to the Customer Standing Committee that forms part of the post-transition IANA structure. GAC Members will work inter-sessionally to determine the conditions under which GAC will take part in the new empowered community mechanism as a decisional participant under the ICANN Bylaws.

GAC Members will continue to actively engage within the Cross Community Working Group on Enhancing ICANN Accountability as Work Stream 2 issues are progressing. The GAC agreed to nominate Denmark, Iran, Canada, Brazil and Argentina as members of the CCWG for Work Stream 2.

### Position of the GNSO

Revised ICANN Bylaws: to facilitate the Council's review of the new, additional and amended powers and obligations of the GNSO under the revised Bylaws, ICANN staff prepared a [table](#) for discussion at ICANN56. In view of the fact that some of these powers and obligations will require additions and

changes to the GNSO's procedures, the Council approved a motion to form a Drafting Team comprised of GNSO community members, to report back to the Council with an implementation plan no later than 31 July 2016.

CSC: The GNSO Selection Committee gave an update on procedure and timeline to the GNSO Council. As an ICANN Supporting Organisation, the GNSO may appoint a Liaison to the CSC, in addition to the two gTLD registry operator members to be selected by the Registries Stakeholder Group (RySG). For the Liaison, the Selection Committee will be submitting 4 candidates to the GNSO Council and the Council will select 2 candidates. GNSO Liaison candidates are to be confirmed by 22 July 2016, and the final slate as determined by the ccNSO and GNSO Councils to be sent to ICANN on 10 August.

**ICANN57 will be held on 3-9 November 2016 in Hyderabad, India.**



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 53 full and 9 associate members – together, they are responsible for over 80% of all registered domain names worldwide. The objectives of CENTR are to promote and participate in the development of high standards and best practices among ccTLD registries.

CENTR vzw/asbl  
Belliardstraat 20 (6th floor)  
1040 Brussels, Belgium  
Tel: +32 2 627 5550  
Fax: +32 2 627 5559  
[secretariat@centr.org](mailto:secretariat@centr.org)  
[www.centr.org](http://www.centr.org)



*To keep up-to-date with CENTR activities and reports,  
follow us on Twitter, Facebook or LinkedIn*