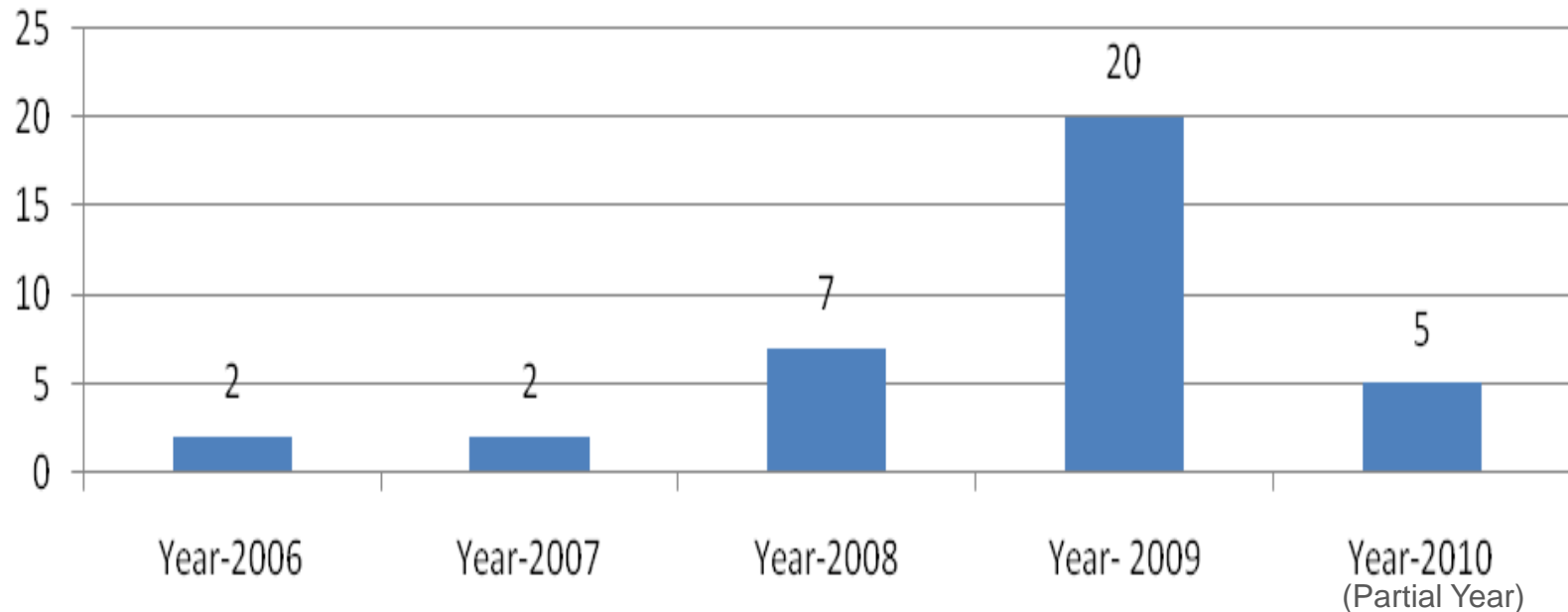


# Enforcement Activity

## 36 Registrars Terminated or Non-renewed from 2006-2010



# Compliance is Rules Based

Policy development work creates the rule set

Rule set adoption through contracts change or through consensus policy

Enforcement a direct function of the rules developed by the community

# Enhancing Compliance Tools

Provisions	2001 RAA	2009 RAA	RAA Discussions
Enforcement tools in addition to termination	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Suspensions</li> <li>• Sanctions</li> <li>• Audits, Site Visits</li> </ul>	<ul style="list-style-type: none"> <li>• Expand scope of authority to terminate accreditations</li> </ul>
Registrant Protections	<ul style="list-style-type: none"> <li>• Registration for a fixed period of time</li> <li>• Registrars must enter into an agreement with registrants for registration services</li> </ul>	<ul style="list-style-type: none"> <li>• Requires resellers to inform registrants of the name of the Registrar of Record</li> <li>• Requires resellers to comply with ICANN policies</li> </ul>	<ul style="list-style-type: none"> <li>• Define “Reseller” and clarify reseller responsibilities</li> </ul>

# Enhancing Compliance Tools

Provisions	2001 RAA	2009 RAA	RAA Discussions
Privacy/Proxy Services	<ul style="list-style-type: none"> <li>Registered Name Holder must disclose identity of licensee or accept liability for harm caused by the wrongful use of the domain</li> </ul>	<ul style="list-style-type: none"> <li>No new provisions</li> </ul>	<ul style="list-style-type: none"> <li>Registrar disclosure of privacy/proxy services available to registrants</li> <li>Better define obligations</li> </ul>
Prohibition of Registrar Cybersquatting	<ul style="list-style-type: none"> <li>No specific provisions (covered by law in some jurisdictions)</li> </ul>	<ul style="list-style-type: none"> <li>No specific provisions</li> </ul>	<ul style="list-style-type: none"> <li>Accelerated registrar terminations if cybersquatting is found</li> </ul>

Full funding of registrant data escrow in 2008 by ICANN significantly enhances compliance environment. More than 95% of names are escrowed.

# Generic Names IP Protections

	Today's Names	Possible Future Names
<b>Top Level</b> (e.g. .name)	<ul style="list-style-type: none"><li>• Declared rights protection mechanism (RPM)</li></ul>	<ul style="list-style-type: none"><li>• Declared rights protection mechanism (RPM)</li><li>• Legal rights objection</li><li>• Post-delegation dispute (PDDRP)</li><li>• Various malicious conduct mitigation measures, for example, vetting applicants, HSTLD</li></ul>
<b>Second Level</b> (e.g. myco.name)	<ul style="list-style-type: none"><li>• UDRP</li><li>• Various RPM policies (most common practice being sunrises)</li><li>• Thick and Thin Whois</li></ul>	<ul style="list-style-type: none"><li>• UDRP</li><li>• Required/standardized processes:<ul style="list-style-type: none"><li>• URS</li><li>• TM Clearinghouse (claims or sunrise)</li><li>• PDDRP</li><li>• Thick Whois only</li></ul></li><li>• Various malicious conduct measures, example, Zone File Access</li></ul>

# What Could Change

- Internet users adopt direct navigation: typing a brand into a browser
- Search engines to prioritise .brand owners
- Consumers to trust email or websites with .brand domains because infringers locked out of the registry
- . ccTLDs to diminish in importance
- New marketing strategies & revenue models built on the back of gTLD registries
- Consumers may own several affiliate domain names with favourite brands: “apps” will be developed for them