Office of the
ICANN Ombudsman

On-line Dispute Resolution and e-Governance

**International Forum on Online Dispute Resolution
Hong Kong University
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E-Governance:

e-Government: the use of ICT to support the administration of government:

Is not
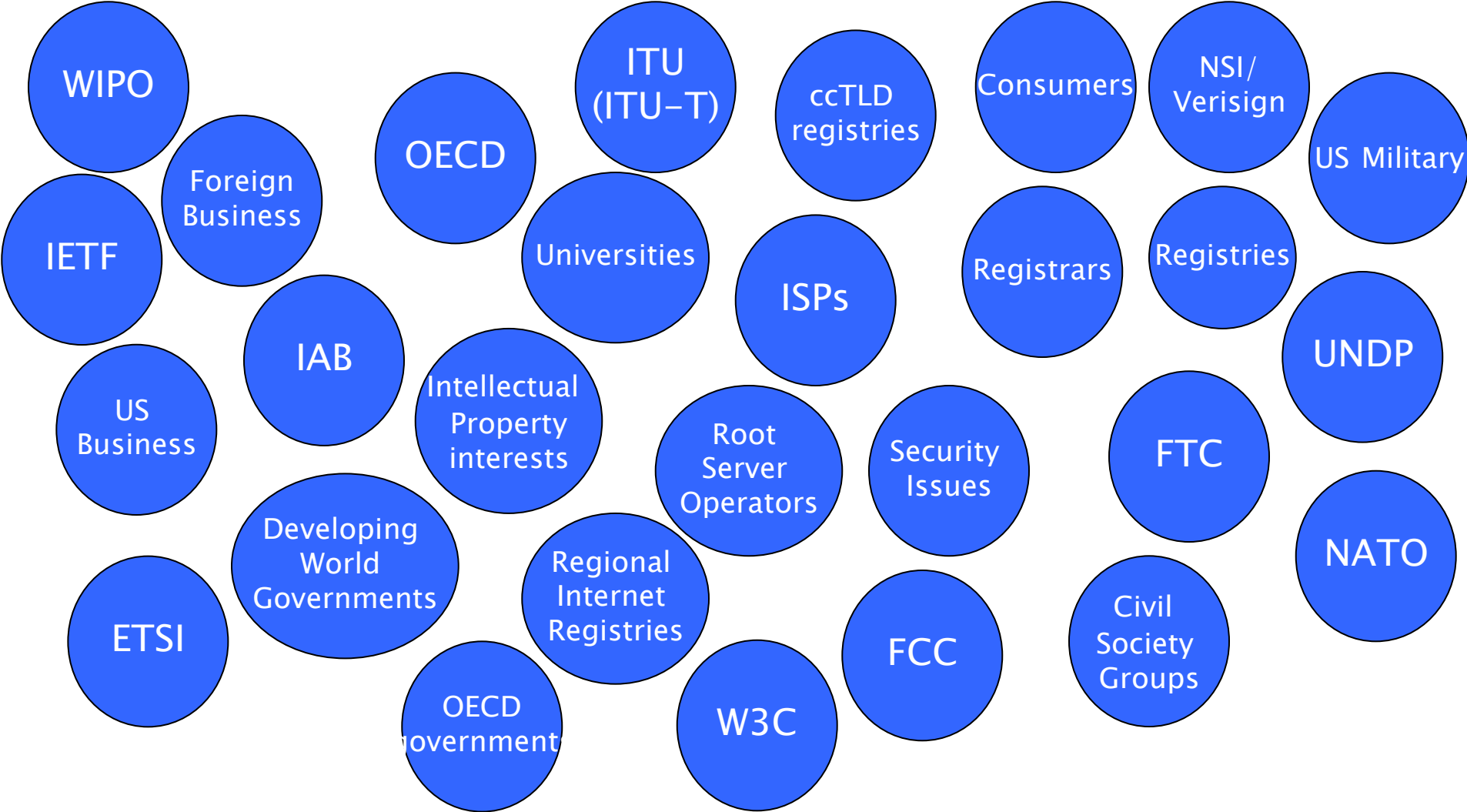
e-Governance: the governance of the Internet
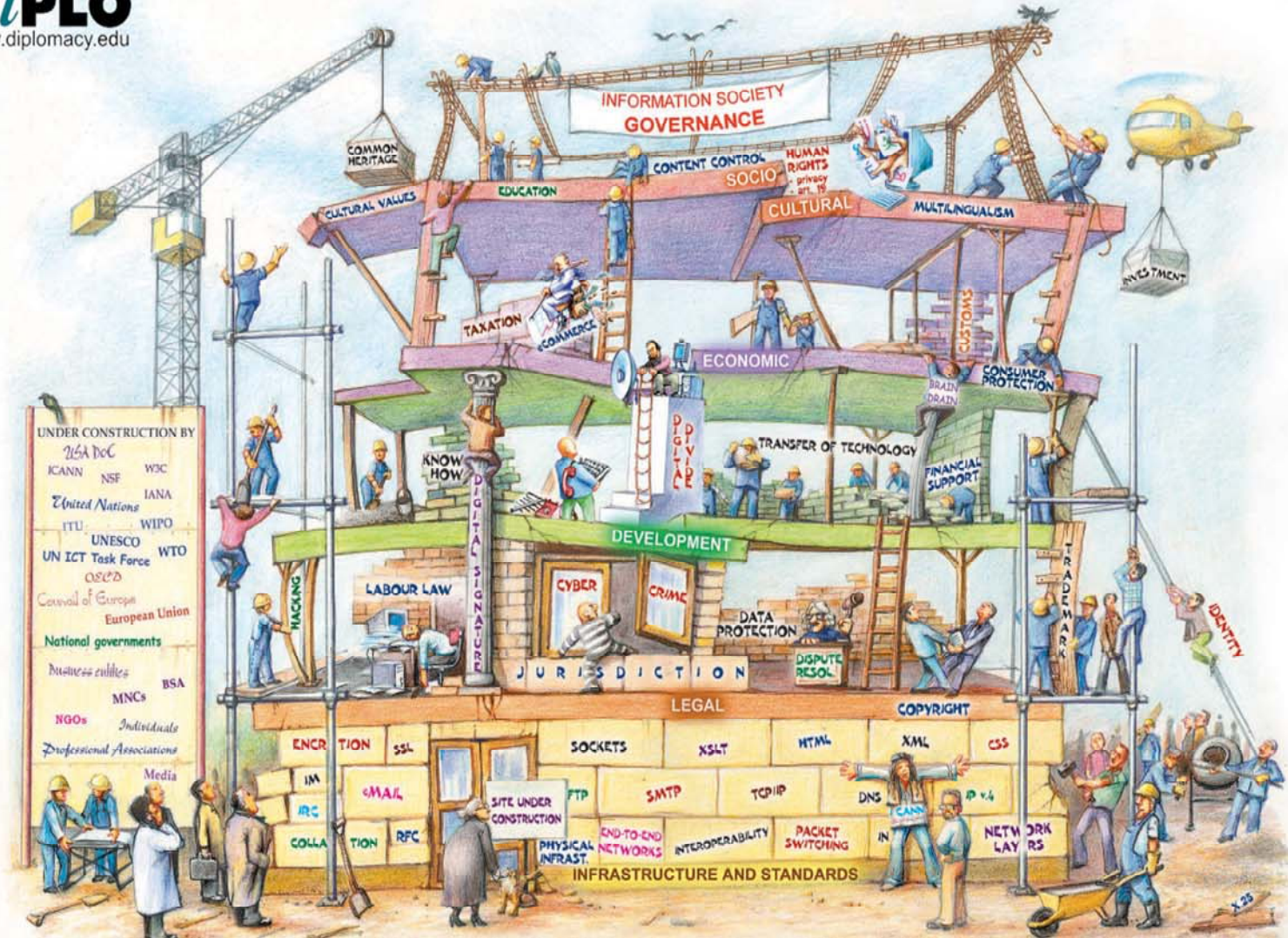
From the past …to the future

Small (4 university networks, 100's users)

Scientific purpose

US based

Scientific backbone

Single jurisdiction

Regulated relations

A few scientific issues

Industrialised countries interest

➢ Huge (today over 200,000 networks, 1 billion users)

➢ Multi-stakeholder purpose

➢ Global

➢ Global economy backbone

➢ Multiple jurisdictions

➢ Contractual relations

➢ Multi-layered stack of issues

➢ Industrialised and developing countries interest

Internet is different

- Over 200,000 separate networks which agree through private agreement or contract approach to allow packets to cross networks
- From engineering perspective, do not recognise boundaries
- DNS and Unique Identifiers is the 'glue' which allows seamless outcome across these various networks (a 'resolution')
- About 1 billion users
- About 20 billion resolutions per day (nearly 7 times the number of telephone calls in North America)
- The backbone of the digital economy

Before ICANN, these stakeholders competed for influence over the Domain Name and IP Addressing systems

WIPO

ITU (ITU–T)

ccTLD registries

Consumers

NSI/ Verisign

OECD

US Military

Foreign Business

Universities

IETF

ISPs

Registrars

Registries

IAB

UNDP

US Business

Intellectual Property interests

Root Server Operators

Security Issues

FTC

Developing World Governments

NATO

Regional Internet Registries

ETSI

Civil Society Groups

OECD Government

W3C

FCC

E-Governance developments

- WGIG
- WSIS   Tunis 2005
- IGF Athens 2006, Rio 2007,
  - New Delhi 2008

  - ODR has not been an issue raised in any substantive manner

Existing e-Governance ODR schemes

- **UDRP** - Technology assisted

- arbitration of domain name ownership disputes

- **ICANN Ombudsman** – technology assisted

- Oversight office for fair treatment of ICANN stakeholders and system users

What is ICANN responsible for?

- ICANN is responsible for the global technical self-management of the Internet's unique identifiers.

- ICANN is dedicated to:

  - Preserving the operational stability of the Internet;

  - To promoting competition;

  - To achieving broad representation of global Internet communities;

  - And to developing policy appropriate to its mission through bottom-up, consensus-based processes.

International model of self-governance and self-management, and unique value system

- ICANN is a unique organisation designed to operate in the new global environment.

- Accomplishments

  - 20 billion DNS resolutions per day.

  - A US$1 billion annual reduction in domain registration fees.

  - Internationalised Domain Names (IDN).

  - The Uniform Domain Name Dispute Resolution Policy (UDRP).

  - Streamlined inter-registrar domain name transfers.

About ICANN

- Internet Corporation for Assigned Names and Numbers
- Co-ordinates the Domain Name System DNS
- .com. net. .org etc (Generic Top Level domains)
- .biz .travel .aero etc (sponsored tld)
- .ca .uk .tv etc (country code tld)

More ICANN Info

- $40 million budget based on registrations
- Less than 100 staff and a team of consultants
- Head office in Marina del Rey, California
- Office in Brussels and Sydney
- Staff in Canada, Mexico, Italy, Egypt, Bulgaria, Niger, Netherlands, France, Australia
- Staff represent about 20 countries and 29 languages

UDRP

- Three tests:
  - identical or confusingly similar to a trademark
  - no rights or legitimate interests
  - being used in bad faith

  - Must meet all three tests

UDRP

- Three providers:
  - HKIAC
  - NAF
  - WIPO

  - Finality of process

ICANN's Office of the Ombudsman

- Product of reform movement
- Inaugural Ombudsman appointed Nov 1, 2004
- Executive Ombudsman scheme
  - In organization – outside complaints
  - Investigates
  - Reports
  - Recommends

Purpose of the Ombudsman

In working towards that goal, the Office of the Ombudsman will assist ICANN by:

- Ensuring members of the community receive fair and equitable treatment

- Helping raise service and administrative standards;

- Improving communication between ICANN and the community; and,

- Issuing reports, and maintaining a website that informs consumers and the ICANN community about issues of interest.

Thank you

- Questions?

- Links:
- www.icannombudsman.org
- http://igf2008.in/
- http://www.wgig.org/
- http://www.itu.int/wsis/basic/about.html
- http://www.intgovforum.org/
- http://www.diplomacy.edu
- http://www.icann.org/dndr/udrp/policy.htm