ICANN POLICY UPDATE – 11 February 2008

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Included below you will find brief summaries of a number of Internet policy issues that are being addressed by the ICANN community's bottom-up policy development structure. This update is provided by ICANN's Policy Staff in response to community requests for periodic summaries of ICANN's policy work. Links to additional information are included below and we encourage you to go beyond these brief staff summaries and learn more about the ICANN community's work. Our goal is to maximize transparency and broad community participation in ICANN's policy development activities. We continue to investigate more effective and efficient ways to communicate the relevance, importance and status of ongoing issues to the ICANN community. Comments and suggestions on how we can improve these efforts are most welcome and should be sent to policy-staff@icann.org.

1. **GNSO -- IMPROVEMENTS**

ICANN's Board is considering a comprehensive set of recommendations to improve the structure and operations of the Generic Names Supporting Organization (GNSO). This is part of ICANN's ongoing commitment to its evolution and improvement, and follows an independent review of the GNSO and extensive public consultation. A working group appointed by ICANN's Board has developed a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications. The working group completed its work on 3 February 2008 and submitted its report to the Board Governance Committee (BGC) for consideration and action. The BGC has now forwarded the report to the ICANN Board for public comment and action.

The working group's improvements address five main areas:

- A formal working group model should become the focal point for policy development and will enhance the Policy Development Process (PDP) by making it more inclusive and representative, and – ultimately – more effective and efficient.
- The PDP should be revised to make it more effective and responsive to ICANN's policy development needs, bringing it in-line with the time and effort actually

required to develop policy, and making it consistent with ICANN's existing contracts (including, but not limited to, clarifying the appropriate scope of GNSO "consensus policy" development).

- The GNSO Council should move away from being a legislative body heavily focused on voting towards becoming a smaller, more focused strategic entity, with strengthened management and oversight of the policy development process and the elimination of weighted voting. The working group recommends a 19-person Council consisting of 16 elected members, four from each of four stakeholder groups, with two of these groups representing those parties "under contract" with ICANN, namely registries (4 seats) and registrars (4 seats). These are referred to as "ICANN contracted parties." The other two stakeholder groups will represent those who are "affected by the contracts" ("ICANN non-contracted parties"), including commercial registrants (4 seats) and non-commercial registrants (4 seats). In addition, three Councilors would be appointed by the Nominating Committee (pending conclusion of the review and improvement of this committee).
- Constituency procedures and operations should become more transparent, accountable and accessible, and more outreach should be done to encourage broader participation.
- GNSO coordination with other ICANN bodies should be improved.

Although many elements of the report seem to have broad support, the proposed stakeholder groups/constituency structures and allocation of seats on the GNSO Council have drawn a significant amount of attention and discussion, including objections from the Business, Intellectual Property, and Internet Service Providers Constituencies that a more balanced allocation of seats is needed.

> **Next Steps:** Public comment and Board action.
> **More information**
> **Staff:** Denise Michel, VP Policy Development

2. GNSO -- DOMAIN TASTING

The term "domain tasting" refers to the case when someone (a registrant) registers a domain name and then tests to see if the address has sufficient traffic to provide more income than the annual registration fee (usually through the addition of pay-per-click advertising). If the address is deemed sufficiently profitable, it is kept. If not, the current "add grace period" (AGP) - where domains can be returned within five days without cost - is used to return the domain at no net cost to the registrant. This process has seen an enormous increase in the number of domains registered and returned, and some feel the add-grace period represents a loophole that facilitates this conduct. In response to a request from the At-Large Advisory Committee (ALAC), the GNSO Council requested that ICANN staff prepare an issues paper for review and discussion. That Issues Report was produced and discussed at ICANN's San Juan meeting in June 2007, where the GNSO Council decided to create a working group to gather more information. The working group published an Outcomes Report in October 2007.

As a result of both reports, the GNSO Council decided on 31 October 2007 to launch a formal policy development process (PDP) on domain tasting. An Initial Report was produced for public comment, outlining the process, possible actions to be taken, and the arguments put forward for and against such actions. Public comments have been incorporated

into a Draft Final Report (posted 8 February) that has been submitted to the GNSO Council for its review and action on the PDP.

Following the launch of the PDP, a small "design group" of the GNSO Council has been working to consider next steps that the Council should consider. The design group has drafted a motion that would restrict the applicability of the AGP to a maximum of 50 deletes per registrar per month or 10% of that registrar's net new monthly domain name registrations, whichever is greater. The GNSO Council at its meeting in New Delhi later this week **may** do one of three things:

1. Vote on this motion (or a modification of this motion); or
2. Ask for updated constituency statements to more directly "answer" the terms of reference; or
3. Establish a working group to consider further what policy change should be recommended to discourage the practice.

Also on 31 October, the GNSO voted to encourage ICANN staff to apply the annual fee to all registrations and staff incorporated this charge into the upcoming budget proposal posted for public discussion. Subsequently, on 23 January 2008, the ICANN Board encouraged ICANN's budgetary process to include fees for all domains added, including domains added during the AGP, and encouraged community discussion involved in developing the ICANN budget.

> **Next Steps:** GNSO Council consideration at New Delhi 13 February meeting and potential decision on next steps in this policy development process.
> **More information**
> **Staff:** Olof Nordling, Manager, Policy Development Coordination

3. GNSO -- WHOIS

The GNSO Council is discussing launching new studies in its ongoing effort to consider the need for potential changes regarding the collection, display and distribution of personal data via the gTLD WHOIS service. The GNSO Council decided at the ICANN Los Angeles meeting on 31 October 2007 that a comprehensive, objective and quantifiable understanding of key factual issues regarding WHOIS will benefit future GNSO policy development efforts. The Council plans to ask ICANN staff to conduct several studies for this purpose. Before defining the details of these studies, the Council is soliciting suggestions for specific topics of study on WHOIS from community stakeholders.

Possible areas of study might include a study of certain aspects of gTLD registrants and registrations, a study of certain uses and misuses of WHOIS data, a study of the use of proxy registration services, including privacy services, or a comparative study of gTLD and ccTLD WHOIS.

Public comments are being sought until 15 February 2008. The GNSO Council will consider the suggestions offered during its meeting on 28 February 2008, and provide additional direction to staff regarding the potential data gathering and study requirements. Based on that direction, ICANN staff will provide rough cost estimates for various components of data gathering and studies and the Council will then decide what data gathering and studies should

be pursued. Staff will then perform the resulting data gathering and studies and report those results to the Council.

> **Next Steps:** GNSO Council consideration of public comments and potential decisions on studies at 28 February meeting.
> **More information**
> **Staff:** Liz Gasster, Senior Policy Counselor

4. GNSO -- INTER-REGISTRAR TRANSFER POLICY

The Inter-Registrar Transfer Policy is an existing consensus policy implemented in late 2004 that is now being reviewed by the GNSO Council. As part of that effort, the Council formed a Transfers Working Group (TWG) to examine and recommend possible areas for improvements in the existing transfer policy. The TWG identified a broad list of over 20 potential areas for clarification and improvement.

In an effort to get improvements on-line as soon as possible, the TWG has engaged in discussions to establish a suitable strategy for considering and resolving potential technical and policy improvements. As a result of those efforts, an initial PDP process has been initiated to address a subset of 4 issues to clarify certain provisions in the existing policy regarding reasons for which a registrar of record may deny a request to transfer a domain name to a new registrar. A short term planning group has been tasked with prioritizing the remaining 19 policy issues identified by the TWG. Those discussions are ongoing.

> **Next Steps:** Constituency statements on 4 PDPD issues due 25 February.
> **More information**
> **Staff:** Rob Hoggarth, Senior Policy Director

5. GNSO -- LEADERSHIP/ELECTION

The GNSO Chair, elected for a term that lasts until 31 January 2009, is Avri Doria (Nominating Committee appointee). Chuck Gomes (Registry Constituency) is the GNSO Vice Chair. His term runs concurrently with that of the Chair. Rita Rodin has been nominated for ICANN Board Director seat 14 (elected by the GNSO Council). She is the only candidate who has been nominated. Voting will open for one week on 29 February. Only GNSO Council members are eligible to vote.

> **Next Steps:** Council votes 29 February – 7 March 2008.
> **More information**
> **Staff:** Glen De Saint Géry, GNSO Secretariat

6. MULTIPLE ENTITIES/IDN ccTLDs

IDNC Working Group

An ICANN community working group (IDNC WG) is considering how to develop a "fast track" approach to enable a limited number of IDN ccTLDs to be introduced while the ccNSO works on a long-term, comprehensive policy for the introduction of IDN ccTLDs.

The "fast track" approach is intended to respond to territories with a pressing need for IDNs, and to enable ICANN to apply "lessons learned" from a limited IDN ccTLD application round to development of a comprehensive IDN ccTLD policy.

The joint IDNC Working Group (IDNC WG) was charted by ICANN's Board to develop and report on feasible methods, if any, that would enable the introduction, in a timely manner and in a manner that ensures the continued security and stability of the Internet, of a limited number of non-contentious IDN ccTLDs (internationalised domain name country code top level domains) associated with the ISO 3166-1 two-letter codes, while the overall IDN ccTLD policy is being developed. On 1 February 2008, the IDNC Working Group posted a "Discussion Draft of the Initial Report" (Report) for public comment and input from the ICANN community. Comments are requested to be submitted by 26 February 2008, and a public workshop is scheduled for 11 February in New Delhi to discuss the Report.

The focus of the consultation will be on the elements of the Report that shape the mechanisms for the selection of an IDN ccTLD, and an IDN ccTLD manager. The mechanisms are to be developed within the parameters of:

- The overarching requirement to preserve the security and stability of the DNS;
- Compliance with the IDNA protocols;
- Input and advice from the technical community with respect to the implementation of IDNs;
- Current practices for the delegation of ccTLDs, which include the current IANA practices.

The Report also clarifies the relationship between the "fast track" process and the IDNccPDP (ccNSO Policy Development Process on IDN ccTLDs), which was launched by the ccNSO on 2 October 2007.

The IDNC WG is comprised of Members of the GAC and the ccNSO (including their Chairs), two members each from the GNSO and the ALAC (and additional observers from the GNSO), one member from the SSAC, one representative of technical community, and two ICANN staff members. Chairs of the IDNC WG are Mrs. Young Eum Lee, member of the ccNSO Council, and Ms. Manal Ismail, GAC Representative from Egypt.

In accordance with its charter, the IDNC WG will produce the following reports:

- An Initial Report, which will solidify the topics and their relation to the IDNccPDP (Final Initial Report is due 8 March 2008).
- An Interim Report, which will contain potential mechanisms (final Interim Report is due 16 May 2008).
- The Final Report, which will contain the actual recommendations of the IDNC WG (due 13 June 2008).

    Next Steps: Comments due to IDNC WG by 26 February 2008; Final Initial Report to be issued 8 March 2008
    More information
    Staff: Bart Boswinkel, Senior Policy Advisor

ccNSO

In parallel to considerations of a "fast track" approach, the ccNSO is working on a comprehensive policy development process for IDNccTLDs. At its meeting on 2 October 2007, the ccNSO Council resolved to call for an Issue Report to examine the need for a Policy Development Process (ccPDP) to consider:

1. Whether Article IX of the ICANN bylaws applies to IDN ccTLDs associated with the ISO 3166-1 two letter codes, and if it does not then to establish if Article IX should apply.
2. Whether the ccNSO should launch a PDP to develop the policy for the selection and delegation of IDN ccTLDs associated with the ISO 3166-1 two-letter codes.

The Council requested that, in preparing the Issue Report, the Issue Manager (ICANN Staff, Bart Boswinkel) identify policies, procedures, and/or by-laws that should be reviewed and, as necessary revised, in connection with the development and implementation of any IDN ccTLD policy.

The ccNSO Council has asked the Issue Manager to consider, in preparing the Issue Report and in proposing a time line for conducting each stage of the ccPDP, the joint ccNSO GAC Issues Paper, the technical limitations and requirements including the IDNA Guidelines, and any other matters that the Issue Manager considers to be of relevance, which includes the intermediate results and final outcome of the work of the IDNC Working Group ("fast track approach").

Comments have been requested for the Issues Paper by 22 February 2008. The Issues Paper will be submitted to the ccNSO Council and will form the basis for the Council's decision on whether or not to initiate the ccPDP.

> **Next Steps:** Comments for ccPDP Issues Paper due by 22 February 2008.
> **More information**
> **Staff:** Bart Boswinkel, Senior Policy Advisor

GNSO

The GNSO continues to work on input to an Issues Paper jointly prepared by the ccNSO and the GAC last year regarding the selection of IDN ccTLDs associated with ISO 3166-1 two letter country codes. Since November 2007, a GNSO Council drafting team has been considering numerous issues involved in the process and timing of the introduction of IDN ccTLDS and developing a proposed response to the Issues Paper. The GNSO Council is expected to finalize the response at its 14 February meeting and share it with the ICANN Board and public.

In related actions, the GNSO Council and the ccNSO Council have both corresponded with the ICANN Board regarding a proposal to form a joint working group to address the "classification" of new IDN top-level domains (how IDNs will be designated as gTLDs or ccTLDs). The two councils are scheduled to hold a joint meeting in New Delhi to discuss their respective positions and potential next steps in considering these issues.

> **Next Steps:** GNSO Council consideration of IDN Issue Paper response on 14 February 2008.

More information
Staff: Liz Gasster, Senior Policy Counselor

7. CCNSO -- IANA WORKING GROUP

The ccNSO IANA Working Group is preparing to publish the first part of its DNSSEC report, which will be presented to the ccNSO Council during the New Delhi meeting. This report was requested by the ccNSO Council to help the industry better understand the impact of the introduction of DNSSEC at the level of ccTLD managers, and the Root server.

In addition to its substantive work, the ccNSO IANA Working Group also will hold discussions during the New Delhi meeting on updating the Working Group's charter. There is sentiment among group members that the charter can be modified to better reflect the current needs of the constituency and to make the work of the group more meaningful.

> **Next Steps:** ccNSO Council consideration of DNSSEC report in February 2008.
> **More information**
> **Staff**: Gabriella Schittek, ccNSO Secretariat

8. CCNSO -- PARTICIPATION WORKING GROUP

ICANN is constantly looking for ways to encourage more stakeholder participation. The ccNSO has formed a ccNSO Participation Working Group that has been trying to identify ways and means to get more ccTLDs involved in ICANN and the ccTLD Regional Organisations.

A survey has been launched by the group to determine why ccTLDs do, or do not participate in ccNSO meetings and how to improve participation in general. All ccTLD participants are being encouraged to participate in this survey. The survey is anticipated to be finished and the results published by the end of March 2008. The working group is scheduled to give an update on their activities during the ccNSO Council meeting in New Delhi on 13 February.

> **Next Steps:** Survey results to be published at the end of March 2008.
> **More information**
> Staff: Gabriella Schittek, ccNSO Secretariat

9. CCNSO -- WORK PLAN

During the ccNSO meeting in New Delhi, members of the ccNSO Council will start to develop a "ccNSO Work plan" which will be presented to the ccNSO membership for their consideration.

> **Next Steps**: Ongoing discussions of work plan within the ccNSO.
> **More information**
> Staff: Gabriella Schittek, ccNSO Secretariat

10. CCNSO -- PHISHING SURVEY

Phishing is becoming a major problem among ccTLDs and ccNSO members are being called upon to identify countermeasures that can be undertaken to fight back. A draft survey on

phishing issues will be presented to the ccNSO Council during the New Delhi meeting. Once approved by the Council, the survey will be posted on available email lists and the results are anticipated to be ready for posting by early April 2008.

> **Next Steps**: Survey to be launched in February 2008.
> **More information**
> **Staff:** Gabriella Schittek, ccNSO Secretariat

11. SSAC -- REPORTS AND STATEMENTS FOR NEW DELHI

Domain Name Front Running

The SAC 024 Report on Domain Name Front Running (DNFR) summarizes SSAC's study of 120 complaints of DNFR submitted by Internet users. The key finding is that a plausible, alternative explanation (e.g., "tasting") was identified for all of the claims. A second key finding is that the claims reveal that Internet users do not understand how domain name registration works nor how the "after markets" for domain names work, and thus don't distinguish between kiting, hijacking, tasting, monetization, front running. Users can get frustrated when they can't get a name and they grab the most obvious "tag" for what they feel is the source of their frustration. It is important to note that the SAC 024 Report does not discuss the recent NSI customer protection service and SSAC explicitly states so in the report.

BOTNETS

The SAC 025 Fast flux and DNS Report is an advisory document that explains how criminals use botnets to operate illegal web sites, and how they exploit DNS and registration services to make their illegal activities difficult to locate and shut down. The advisory calls for registrars and registries to consider various countermeasures and to consider ways they may be more uniformly adopted (e.g., via a registrar best practices initiative).

DNSSEC Deployment

SAC 026, DNSSEC Deployment, identifies actions that are required to accelerate DNSSEC deployment. SSAC notes the DNSSEC deployment efforts of ICANN and the community at large and encourages continued efforts to improve the security of the domain name system.

Future of WHOIS

SAC 027 is an SSAC statement to the GNSO regarding the future of WHOIS. The SSAC calls on the GNSO (in parallel with ongoing studies of privacy and access) to study the Internet directory service framework and protocols (CRISP/IRIS) and develop a migration plan from WHOIS to a directory platform that can provide authentication, role based access controls, confidentiality, and data accuracy services that will be necessary for future access to registration information.

> **Next Steps:** SSAC reports and documents have been posted for consideration.
> **More information**
> **Staff:** Dave Piscitello, Senior Security Technologist

12. AT-LARGE -- APRALO PRIORITIES

A General Assembly of the Asia-Australia-Pacific Regional At-Large Organisation (APRALO) is being held at ICANN's New Delhi meeting to bring together leaders of the individual Internet user community in this region. The APRALO will be continuing its work on IDNs (a major interest for APRALO for some time), electing a new regional Chair, working on the region's proposals and statements for the ICANN budget development process, and developing input on the proposed At-Large summit. The Memorandum of Understanding that established the APRALO in March 2007, and APRALO's subsequent contributions to ICANN, will be recognised in a public ceremony in New Delhi.

> **Next Steps:** APRALO recommendations to be developed in New Delhi.
> **More information**
> **Staff:** Nick Aston-Hart, Director for At-Large

13. AT-LARGE -- NEW DELHI POLICY AGENDA

At their New Delhi meetings, the At-Large Advisory Committee (ALAC) will consider recommendations for At-Large positions on new gTLDs, the Nominating Committee independent review, the IDNC Working Group Initial Draft Report, Accountability and Transparency and Principles for Consultation, and completion of a draft statement on IPv6 Implementation. Draft positions under consideration by the ALAC are posted on their wiki.

> **Next Steps:** At-Large positions to be developed at New Delhi. Meeting.
> **More information**
> **Staff:** Nick Aston-Hart, Director for At-Large

14. AT-LARGE -- PARTICIPATION

Three new systems (a membership database, a community membership applications system, and a new website) are all nearing "go-live" status. The systems are in the final stages of testing and will greatly increase the ability of the community to collaborate globally.

At the New Delhi ICANN meeting, community members will be doing final testing of a membership management system (MMS) for At-Large, with the expectation that this will be launched immediately following the meeting. Separately, a new community website, the successor to www.alac.icann.org, will be previewed in a final beta stage for At-Large community members in New Delhi, with content migration to begin immediately following the meeting. In addition, an online membership management system that incorporates the newly-agreed process for handling At-Large Structure applications is currently being tested and also will go live soon.

> **Next Steps:** Systems to be launched following ICANN's New Delhi meeting.
> **More information**
> **Staff:** Nick Aston-Hart, Director for At-Large