**April 2007**

**WELCOME**

Welcome to Bizconst News, the Business Constituency newsletter. This issue of Bizconst News provides a summary of the main issues concerning the Business Constituency. The issues have been updated following the ICANN meetings in Lisbon.

I hope you find the newsletter useful and will be please to receive your comments or suggestions for future issues.

Best wishes

Gary

**New Domain Names (PDP05)**

**Philip Sheppard writes:**

Work on the long-term process for the release of new top-level domain names in Council is nearing completion. Most of the key principles and outline processes have been agreed and are being written up in the next version of a Council report.

There was a working session on this in Los Angeles in February and an extensive session during the Lisbon meetings in March. Parallel work from the Government Advisory Committee (GAC) on high-level principles is completed: they are as expected broadly compatible with the report and certainly in line with BC principles such as competition and the avoidance of fraud and use in bad faith.

The new process will allow both open and sponsored names with a preference given to sponsored (or at least community-supported) only when there is competition for the exact same name during each round of applications.

Although the basic idea is to have a simple and competition-enabling process, there are protections suggested for trade marks, confusingly similar names and names which might cause offence.

The same process is intended to apply equally to internationalised domain names (IDNs) though there may need to be additional rules to ensure predictability and stability of the net.

**Contractual Conditions for Existing gTLDs (PDP06)**

**Alistair Dixon writes:**

This task force examined whether there should be changes in policies in relation to contractual conditions for existing gTLDs. The task force has now completed its work and is about to submit its final report to the GNSO Council. The final task force report can be found at:

<http://gnso.icann.org/drafts/gnso-pdp-feb06-tfr-10apr07.pdf>

Although the Registry Constituency was adamant that the work of this Task Force was out of scope, majority support was achieved in relation to a number of key issues including:

* renewal of registry agreements, including a requirement for a re-bid;
* delegation of policy making responsibilities to sponsored TLD operators;
* ICANN fees and budgeting;
* a study on the collection and use of registry data; and
* baseline registry security and stability requirements.

The Council has now to consider what further steps, if any, should be taken in relation to the Task Force Report. Unfortunately, the fact that the ICANN Board has now decided to renew contracts for most of the major TLDs means that, at best, it is likely to be some time before the work of this working group has a practical impact.

**WHOIS**

**David Fares writes:**

The Whois Task Force finalized its work issuing its Final Report. The Operational Point of Contact (OPOC) proposal was a majority recommendation of the Task Force as it was supported by the registrars, registries, non-commercial constituency and the Nominating Committee representative of the Task Force (she had voting rights).

The Special Circumstances proposal, which was supported as a concept and deemed more balanced by the BC, ISP and IP constituencies, was addressed in a Minority Report. Proposals submitted by a single Task Force member, including the proposal by Marilyn Cade which includes a call for a study on the characteristics of registrants, a study that the BC supported in its comments on the Task Force’s Preliminary Report, were included in an Annex.

The GNSO Council at the Lisbon meeting created an open Working Group to try to improve the OPOC proposal and resolve concerns expressed by the BC, ISP and IP constituencies and noting the GAC Whois Principles, namely:

* define the roles, responsibilities, and requirements of the contacts available for unrestricted public query-based access, and what happens if the responsibilities are not fulfilled
* determine how third parties may access registration data that is no longer available for unrestricted public query-based access for legitimate activities
* determine whether and how a distinction could be made between the registration contact information published, based on the nature of the registered name holder (for example, legal vs natural persons) or its use of the domain name (for example, commercial versus non-commercial use.

Philip Sheppard is Chair of the Working Group.

**Reserved Names Working Group**

Alistair Dixon writes:

This working group, chaired by Chuck Gomes of the Registry Constituency, is examining whether reservations in existing registry agreements should continue and what the approach should be for reservations of names in the future. The working group is examining the following categories of reserved names:

* ICANN and IANA related reserved names
* symbols
* single character names
* two character names
* tagged reserved names
* nic, whois, www reserved names
* controversial names
* geographical names.

This working group submitted a report to the GNSO Council prior to the Lisbon meeting. The report can be found at:

[www.gnso.icann.org/drafts/rn-wg-fr19mar07.pdf](http://www.gnso.icann.org/drafts/rn-wg-fr19mar07.pdf)

Because the reasons for reservations of many of the names are complex the working group has been extended for an additional 30 days. This extension should allow definitive recommendations in most of the areas and is likely to result in proposals for release of reserved names in a number of areas.

The working group is due to complete its work by 10 May, at which time it will submit its final report to the GNSO Council.

**Protecting the Rights of Others**

**Mike Rodenbaugh writes:**

The GNSO Council has commissioned a third Working Group to inform the ongoing process for new TLDs (PDP’05) as to mechanisms to “Protect the Rights of Others”. The Statement of Work can be reviewed at the link below, and the intended completion date is 7 May 2007. Mike Rodenbaugh has been appointed Vice Chair and will be lead reporter to the BC, and Philip Sheppard and Frank Schilling are the other voting members from the BC. Work of the group is now underway, and is open to anyone who wishes to be an observer.

[www.gnso.icann.org/mailing-lists/archives/council/mag03230.html](http://www.gnso.icann.org/mailing-lists/archives/council/mag03230.html)

**Internationalised Domain Names (IDNs)**

**Alistair Dixon writes:**

The IDN working group, chaired by Ram Mohan of the Registry Constituency, completed its work and submitted its final report to the GNSO Council at the Lisbon meeting. The final report can be found at:

<http://gnso.icann.org/drafts/idn-wg-fr-22mar07.htm>

The working group discussed the following main issues:

* introduction of IDN gTLDs in relation to new non-IDN gTLDs
* IDN aspects on Geo-Political Details
* aspects relating to existing gTLD strings and existing IDN SLDs (second level domains)
* aspects relating to existing SLD Domain Name Holders
* specific Techno-Policy Details relating to IDN gTLDs
* the GAC may need to be consulted on strings with a geo-political impact
* a suitable process for consultation, including with relevant language communities, is needed when considering new IDN gTLD strings
* the approach of the New gTLD PDP with one string for each new IDN gTLD application is relevant, except in the rare cases when there is a need to cover script-specific character variants of an IDN gTLD string
* measures must be taken to limit confusion and collisions due to variants (i.e. substitutable characters/symbols within a script/language) while reviewing and awarding new IDN gTLDs
* measures be taken to ensure that an IDN gTLD string with variants be treated in analogy with current practice for IDN SLD labels, i.e. strings that only differ from an IDN gTLD string by variants (see above) are not available for registration by others
* priority rights for new strings on the top-level do not derive from existing strings
* applications for IDN gTLDs may face challenges/objections, for instance based on claims of intellectual property rights
* aliasing (ie the ability for translations, etc, of domain names to be available from a single registry) should be approached as a policy matter rather than a technical matter
* IDNs should adhere to a single script, though ASCII would be allowed in special circumstances and there may be other exceptions
* the UDRP is adequate to deal with new IDN gTLDs.

In addition, there was support in a range of other areas and details of this support are identified in the Final Report.

Ram Mohan presented the report to the GNSO Council and the New gTLD Task Force (PDP05). The recommendations of the working group will be incorporated into the policy for introduction of new gTLDs.

**Members Matters**

This year’s renewal process is almost complete. Many thanks to those members who paid their BC membership fees promptly. Once all renewals are in, I will update the member contact list and send it to the list.

Some members still need to complete a transparency form; as a reminder, I will contact those members individually in the coming days.

We welcome Banks in ICANN Consortium as a new member. BIC is a grouping of banks in North America with interests in the on-line services of the financial services industry.

Microsoft has been accepted for membership by the Credentials Committee, though the application process is still not completed .<http://www.icann.org/committees/nom-comm>

**ICANN NEWS**

ICANN Independent Reviews

The ICANN Board has approved a comprehensive schedule for independent review of ICANN’s structures:

[www.icann.org/reviews](http://www.icann.org/reviews)

ICANN Jobs

ICANN is currently filling a number of staff vacancies:

[www.icann.org/general/jobs.htm](http://www.icann.org/general/jobs.htm)

**DATES FOR YOUR DIARIES**

**ICANN meetings, San Juan, Puerto Rico – 25-29 June 2007**