# March 2009

#### Introduction

This newsletter update provides a summary of the main issues concerning the Business Constituency following the ICANN meetings in Mexico City.

Best wishes

Gary

#### New gTLDs and trademark abuse

**Mike Rodenbaugh writes:**

Responding to voluminous public comments arguing that new TLDs will expand and facilitate trademark infringement and other abuses of domain names, the ICANN Staff has essentially delayed the new TLD implementation process for another six months so that the ICANN community can work on consensus solutions to these problems. Applications for new TLDs are not likely to be accepted until at least January, 2010.

See: <http://icann.org/en/topics/new-gtld-program.htm>

As members are aware, the Intellectual Property Constituency is spearheading a new Implementation Recommendation Team of global trademark experts to study the public comments and make recommendations to the ICANN community of policy changes designed to mitigate trademark abuse in new TLDs.

The BC is currently active in contributing comments and input to the IRT.

Meanwhile the GNSO has recently formed the Regisration Abuse Policies Working Group to examine broader issues of abuse policies in existing gTLD registrar and registry contracts. This may recommend policy development that would also affect the new gTLD domain spaces.

Both groups are expected to report back to the ICANN community in advance of the next ICANN general meeting, in Sydney, Australia from June 20-26, 2009.

#### GNSO Reform

**Philip Sheppard writes:**

Actions on reform with regard to the new policy process are going rather slowly and the new TLD process has thrown up new issues. We, in a joint letter with the IPC and ISP constituencies therefore signalled our concerns to the ICANN Board at the Mexico meeting as follows.

Contracted parties house. The new TLD process has introduced the possibility of abolishing the principle of registry – registrar separation. This increases the potential voting power and veto power of the contracted parties house.

Non-commercial stakeholders group. The sacrifice of three commercial users seats on Council in favour of non-commercial users was explicitly conditioned on all stakeholder groups meeting common standards of representativeness and breadth. Our understanding was that this goal would be achieved by including elements of the at large organisation in a GNSO constituency and using the existing hierarchy of the ALSs as a policy developing organisation. Although other groups have filed to form new constituencies, at large itself is notably absent. Since NCSG has not achieved the needed breadth and representativeness by this or any other means, the seating of the new Council in the structure contemplated in the July 2008 consensus agreement cannot proceed.

Timing issues. Whereas it is intended the new Council sit by June 2009, the time line for the development of new working methods indicated by the Council work teams all go beyond June. This would mean the new Council would have to retrofit the old methods or be impotent for some months.

Nominating Committee appointees. The issue of what body chooses these appointees and allocates them to one or the other House remains unresolved.

Constituency election timing. Constituencies are altering their internal timetables to fit the June seating. If the Board is minded to delay this timing it will be necessary to tell us now.

#### IDN

**Mike Rodenbaugh writes:**

Other key developments from Mexico City included further discussion of the ‘fast track’ plan to implement International Domain Names(IDNs) in certain non-contentious country code TLDs. Public comment on the plan is welcome until April 6th.

See: <http://icann.org/en/announcements/announcement-18feb09-en.htm>

#### WHOIS

**Steve DelBianco writes:**

In Mexico City, GNSO Council unanimously approved a resolution on further studies of Whois. The resolution requests staff to determine costs of performing studies to investigate 16 hypotheses regarding accuracy, access, and privacy aspects of Whois and proxy registration services. Results of staff research will help Council determine which studies to pursue.

Furthermore, we asked staff to prioritize their research to inform the discussion about which aspects of Whois should be required for new TLDs.

See: <http://gnso.icann.org/resolutions/#200903>

#### Registrar Accreditation Agreement (RAA)

**Mike Rodenbaugh writes:**

The GNSO Council unanimously approved certain changes to the RAA, providing ICANN Staff with additional enforcement tools to force registrars to comply with the RAA terms. The GNSO also resolved to form a working group to discuss further changes to the RAA. A public comment forum is open until April 6th.

See: <http://icann.org/en/announcements/announcement-06mar09-en.htm>

#### Business Outreach

**Ayesha Hassan writes:**

In Mexico City there was a Sunday cocktail with the Board with almost 60 participants. This provided a welcome informal opportunity for business people from across constituencies to discuss with board members and leaders. Points were raised about the current economic climate and issues that business is facing; also how ICANN may need to adapt in the current climate.

There was also a new business participants lunch with a spread of around 70 business people, the Chair of the Board and some senior staff. It was a good opportunity for new people to get to know about the constituencies ahead of Tuesday’s constituency day.

New business participants came from the ICC Mexico membership, outreach by various BC members and others, and resulted in participation in various constituency and substantive meetings. The experience from these outreach efforts will be reflected on as work begins for Sydney. Liz Williams will be heading up the outreach work for the Sydney meetings.

#### Members Matters

**Mailing List vote**

There is currently a vote in place for members to decide whether to change from a moderated to an un-moderated mailing list. Please return your votes to Gary by Sunday 29 March.

#### DATES FOR YOUR DIARIES

**BC call with Kevin Wilson – Thursday 26 March 2009**

**ICANN meetings, Sydney, Australia – 21 – 26 June 2009**