ICANN, the Domain Name System & Trademark Protections

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What is ICANN?

ICANN's Mission

The mission of the Internet Corporation for Assigned Names and Numbers (ICANN) is to **ensure the stable and secure operation of the Internet's unique identifier systems**

Specifically, ICANN:

1 Coordinates the allocation and assignment of names in the root zone of the Domain Name System

2 Coordinates the development and implementation of policies concerning the registration of second-level domain names in generic top-level domains (gTLDs)

3 Facilitates the coordination of the operation and evolution of the DNS root name server system

4 Coordinates the allocation and assignment at the top-most level of Internet Protocol numbers and Autonomous System numbers

5 Collaborates with other bodies as appropriate to provide registries needed for the functioning of the Internet as specified by Internet protocol standards development organizations

The ICANN Ecosystem
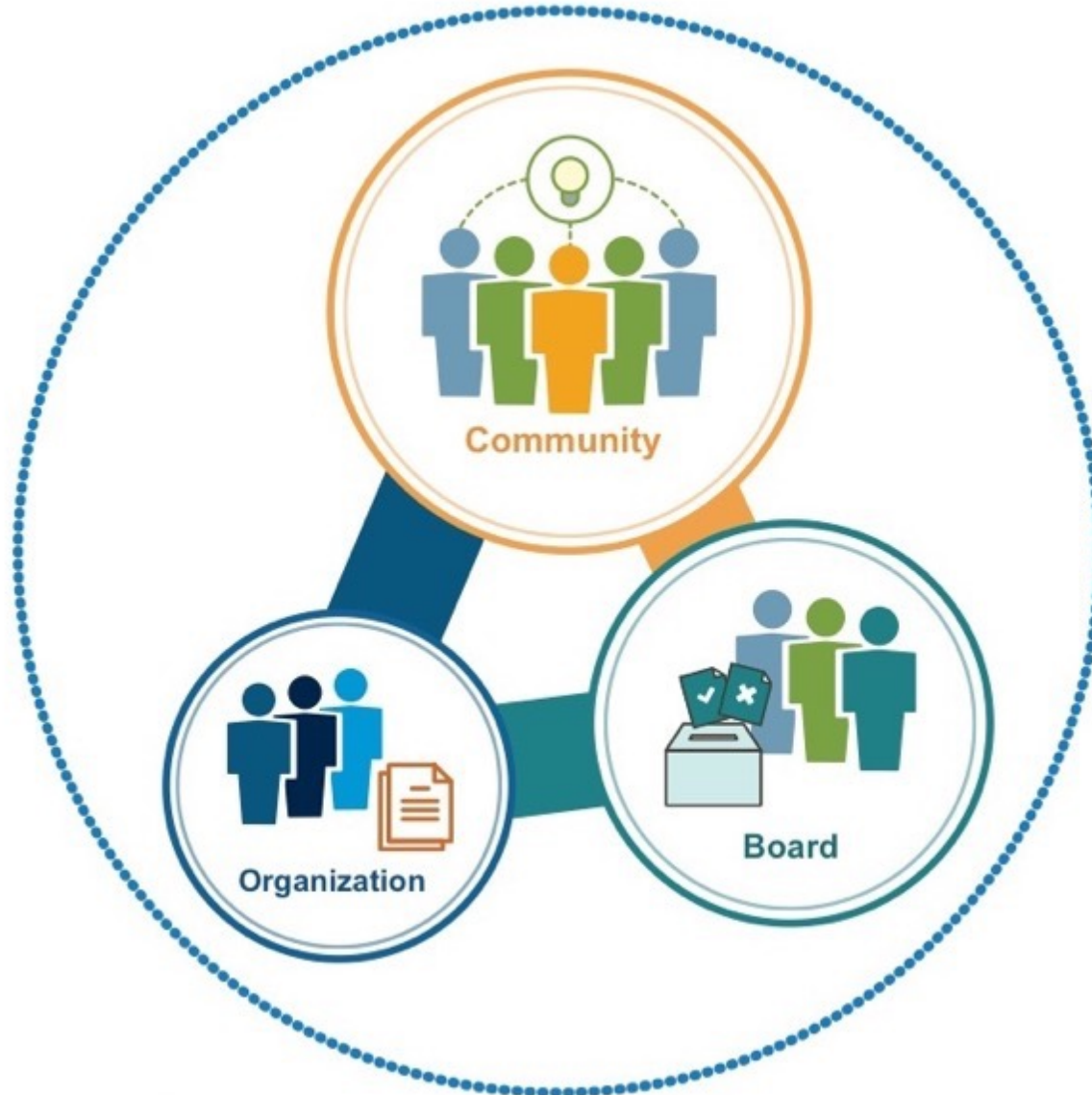
Policy Development at ICANN

ICANN Multi-Stakeholder Policy Making

MAKING POLICY:

Three Supporting Organizations (SOs) in the ICANN community are responsible for developing policy recommendations in the areas they represent: IP addresses; generic top-level domains (gTLDs); and country code top-level domains (ccTLDs).
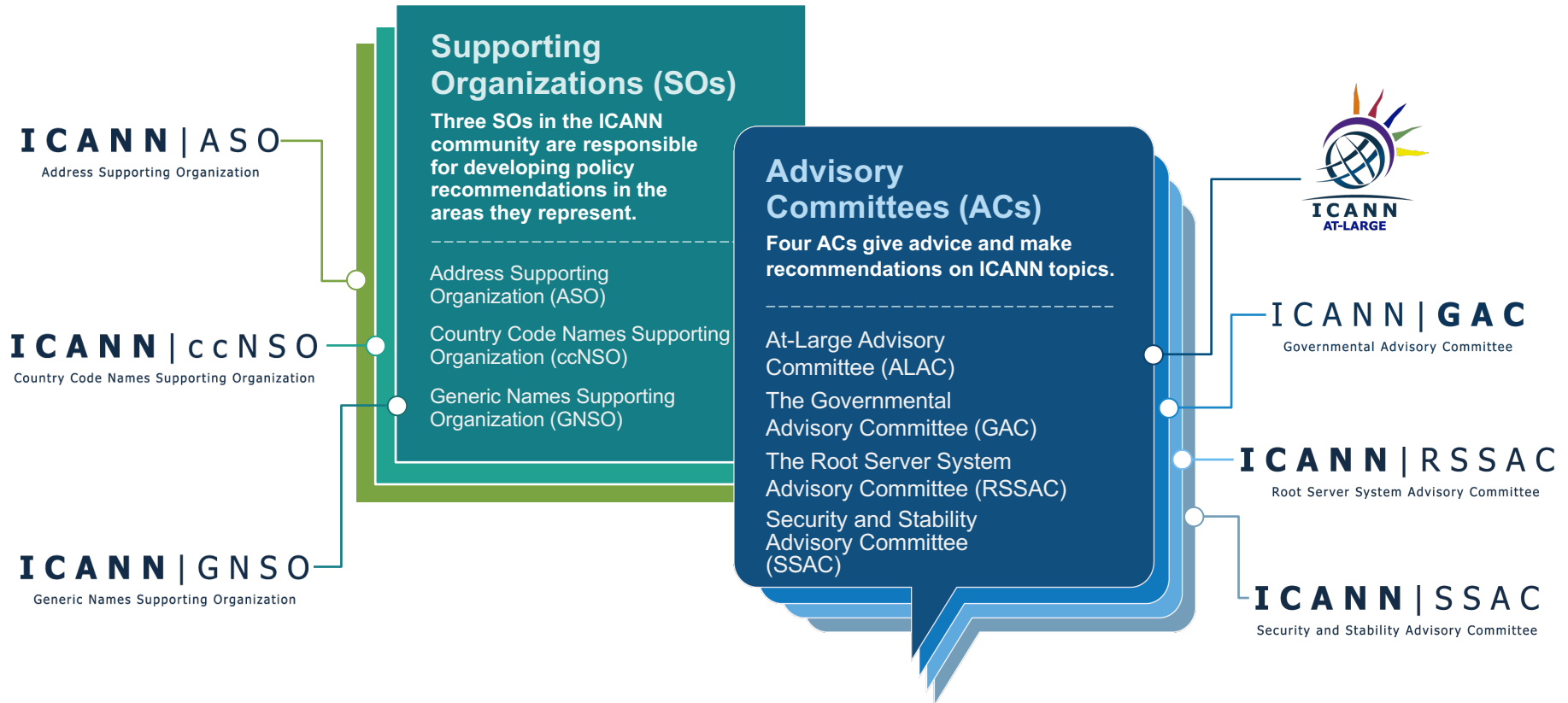
PROVIDING ADVICE:

Four Advisory Committees (ACs) give advice and make recommendations on ICANN topics. The ACs are made up of representatives from: governments and international treaty organizations; root server operators; Internet security experts; and Internet end users.

ICANN Policy Community Structures

ICANN|ASO
Address Supporting Organization

ICANN|ccNSO
Country Code Names Supporting Organization

ICANN|GNSO
Generic Names Supporting Organization

Supporting Organizations (SOs)

Three SOs in the ICANN community are responsible for developing policy recommendations in the areas they represent.

Address Supporting Organization (ASO)

Country Code Names Supporting Organization (ccNSO)

Generic Names Supporting Organization (GNSO)

Advisory Committees (ACs)

Four ACs give advice and make recommendations on ICANN topics.

At-Large Advisory Committee (ALAC)

The Governmental Advisory Committee (GAC)

The Root Server System Advisory Committee (RSSAC)

Security and Stability Advisory Committee (SSAC)

ICANN AT-LARGE

ICANN|GAC
Governmental Advisory Committee

ICANN|RSSAC
Root Server System Advisory Committee

ICANN|SSAC
Security and Stability Advisory Committee

Address Supporting Organization (ASO)

ICANN | ASO
Address Supporting Organization

The ASO is responsible for advising the Board on global policy issues relating to the operation, assignment, and management of Internet addresses.

The ASO was established through a Memorandum of Understanding between ICANN and the Number Resource Organization (the five Regional Internet Registries.)

Country Code Names Supporting Organization (ccNSO)

ICANN | ccNSO
Country Code Names Supporting Organization

The ccNSO is responsible for developing and recommending to the Board global policies relating to country-code top-level domain (e.g., .kr, .sg) and nurturing consensus across the ccNSO community.

The ICANN Bylaws define the scope of the ccNSO's policy remit, recognizing the complex relation between ICANN and ccTLDs policy issues.

Generic Names Supporting Organization (GNSO)

ICANN | GNSO
Generic Names Supporting Organization

The GNSO is responsible for developing and recommending to the Board substantive policies relating to generic top-level domains (e.g. .com, .org, .net, .biz, .shop, .movie, "dot-brands")

The GNSO Council manages the gTLD policy development process.

Generic Names Supporting Organization: Composition

Advisory Committees (ACs): Advising on Policy Proposals

Advisory Committees (ACs)

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At-Large Advisory Committee (ALAC)

Governmental Advisory Committee (GAC)

Root Server System Advisory Committee (RSSAC)

Security and Stability Advisory Committee (SSAC)

ALAC
The ALAC voices the interests of the individual Internet user and consists of 15 members- 2 from each of the five Regional At-Large Organizations (RALOs) and 5 appointed by the ICANN Nominating Committee. It is supported by over 200 At-Large Structures (ALSes) and volunteers.

GAC
The GAC provides advice on public policy issues, particularly on interactions with policies and national laws or international agreements.

RSSAC
The RSSAC advises the ICANN community and Board on the operation, administration, security, and integrity of the Internet's Root Server System.

SSAC
The SSAC advises on matters related to the security and integrity of the Internet's naming and address allocation systems.

ICANN Policies on Trademark Protections

Three Recent Major Policy Efforts with Trademark Implications

- Data Privacy Laws & Generic Top-Level Domain (gTLD) Registration Data

- The Next gTLD Expansion Round

- Reviewing Trademark-Related Rights Protection Mechanisms for Second-Level gTLD Domains

Note:

- *Consensus policies developed through the multi-stakeholder process and approved by the ICANN Board are automatically binding on gTLD registry operators and registrars*

Expedited Policy Development Process for gTLD Registration Data (1)

- The European Union's General Data Protection Regulation (GDPR) entered into force in 2016 and became applicable in May 2018

- Historically, the freely available WHOIS system provided details about a domain name registration that included personal data (e.g., a registrant's name and address)

- The ICANN Board adopted a Temporary Specification that permitted registries and registrars to abide by their contractual obligations with ICANN while the community developed Consensus Policy to address the impact of GDPR

- The initial community recommendations addressed topics such as lawful purposes for collecting data, the data elements to be redacted, and reasonable access for law enforcement

- Subsequent policy work focused on a System for Standardized Access & Disclosure, where a central gateway could receive disclosure requests from accredited users, and the relevant registry or registrar would determine whether to disclose the requested registration data

Expedited Policy Development Process for gTLD Registration Data (2)

- ICANN has completed an operational assessment of the costs and other implications of implementing the SSAD

- Additional policy work recently concluded on differentiation of legal and natural persons

  The ICANN Board is currently reviewing the community's consensus recommendations on the SSAD and on differentiation

- In the meantime, community work continues on other privacy-related topics such as data accuracy

Policy Development Process on New gTLDs Subsequent Procedures

- In 2012, ICANN launched the first expansion of gTLDs since 2004
  - In total, 1930 applications were received
  - As of January 2022, 1240 new gTLDs have been delegated under the program

- The community completed a review of the policy principles that governed the 2012 program in early 2021

  ICANN is currently conducting an operational assessment of the community's recommendations, following which the ICANN Board will consider whether to adopt them

- There are several topics that require additional work, including so-called "Closed Generics"

Policy Development Process on Rights Protection Mechanisms (1)

- For the 2012 New gTLD Program, ICANN and the community collaborated to develop a few specific protective mechanisms for trademarks
    - A *Sunrise priority registration service* for validated trademarks submitted to a central Trademark Clearinghouse repository
    - A *Trademark Claims notification service* for potential registrants who attempt to register domains matching a validated trademark in the Clearinghouse
    - A *Notice of Registered Name* to owners of validated trademarks in the Clearinghouse if the registrant proceeds to register after receiving a Trademark Claims notice
    - A *Uniform Rapid Suspension* dispute resolution procedure to address cyber-squatting
    - A **Post-Delegation Trademark Dispute Resolution Procedure** to address infringing behavior by registry operators

- These new mechanisms apply to all gTLDs delegated under the 2012 program

- The Uniform Domain Name Dispute Resolution Policy apples to all "legacy" and new gTLDs

Policy Development Process on Rights Protection Mechanisms (2)

- In January 2021, the ICANN Board approved the community's consensus recommendations to update the 2012 program protections

- Most recommendations are largely procedural changes or operational fixes, though one recommendation will limit the scope of trademarks that can enter the Trademark Clearinghouse
  - This recommendation will ***exclude geographical indications and other designations of origin unless they are also protected nationally or regionally as trademarks***

- Relevant Board-adopted recommendations are expected to be implemented prior to the launch of the next gTLD expansion round

- The community intends to continue work to review the UDRP – but there is no current timeline for this project

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