

Intellectual Property Constituency and IPC Council Meeting

September 5, 2001, 2 pm, Buenos Aires, Argentina

Sheraton Hotel, Gomez Losada Room

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[Home](#) **Attendees:** Steve Metalitz, Jane Mutimear, Martin Schwimmer, Alberto Berton-Moreno, Jr., Guillermo Carey, Tom Turcan, J. Scott Evans, Nicholas M. Czejer, Antonio Mille, Axel aus des Muhlen, Sergio M. Ellmann, Hector Ariel Manoff

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1. Introductions and Approval of Agenda; appointment of scribe

IPC President, Steve Metalitz opened the meeting by calling for a volunteer to scribe to record the minutes. J. Scott Evans, Executive Vice President assumed the duties of scribe. Mr. Metalitz then requested that the attendees introduce themselves. There were 12 attendees. A full listing of the attendees may be found at the beginning of this report.

2. Report of Membership Committee and approval of new IPC members

In the absence of Mr. Nick Wood, the Membership Chair, Jane Mutimear, Vice President of the IPC, reported that the IPC had received 15 inquiries concerning membership and actually 8 applications for membership. Of these 8 applications, 1 application is for a category 3 member and 7 applications are for category 1 members. There was a motion to accept the applicants as members. The motion was seconded and carried without objection.

There was then a discussion regarding the application process. Ms. Mutimear advised that the Membership Committee is looking into ways to streamline the application process. Currently, there seems to be a great deal of time between actual application and acceptance. It was discussed that a notice should be sent to all members in arrears on 2001 dues before September 25, 2001 in order to allow such members to place themselves in good standing prior to the October election of IPC Officers. When queried whether the IPC could post a listing of its members and contact persons, it was noted that this has been discussed before and rejected on privacy grounds.

3. Financial Status Report

Mr. Metalitz reported that there would be no financial status report due to the fact that he had not yet received the report from the IPC Treasurer. Mr. Metalitz did advise that the IPC is current on its obligations to the DNSO.

4. New Top Level Domains

- a. Discussion of experiences/issues in roll-outs (ongoing and anticipated)

1. .biz

Marty Schwimmer indicated that there is some rumor that an agreement in the California class action against Neulevel could affect the go-live date for .biz. However, currently it appears that .biz is still slated to go live by October 1st. Until that time it will be difficult to determine whether the IP claim form process has been effective in preventing cybersquatting. There was discussion about reaction to the .biz random allocation process by IP owners. There was a discussion about a need to review Registrar practices for IP claim forms and land rush registrations. Mr. Evans reported that he has a paper reviewing many of the ICANN accredited Registrars that he hopes to circulate in Montevideo. This paper reviewed posted Registrar policies for rollout of .biz and .info.

2. .info

There was lengthy discussion about the reported Sunrise Period implementation problems. Currently, Afilias plans to wait until the end of the 120 day Sunrise Challenge Period to challenge all Sunrise registrations, which are facially defective (*i.e.*, do not on meet the minimum qualifications for obtaining a Sunrise registration.) It was reported that there is some rumor that the Sunrise information contained in the WHOIS data base would only be retained for a period of 6 months. It was felt that, given the apparent massive fraud that has occurred, Afilias should leave the Sunrise information in the WHOIS listing for all domain names obtained during the Sunrise Period. There was also considerable discussion about a proposal from a University of Minnesota professor for dealing with the fraudulently obtained Sunrise registrations. Marty Schwimmer was asked to give a brief presentation on this proposal in Montevideo. There was also discussion that the problems seen in both .biz and .info may be attributed to the fact that these TLD are unrestricted and these or similar problems would occur with the rollout of any undifferentiated TLD unless systems are built in to screen out fraudulent registrations.

3. Others (contracts not complete)

It was noted that the .name contract is complete and that .name was proceeding to go live in the near future. Mr. Metalitz reminded us that representatives from Neulevel, Afilias and GNR would be giving the IPC members a briefing during the Montevideo meeting. Mr. Metalitz also reported that the .museum contract negotiations appear to be progressing and that, so far, the mechanisms for the running this chartered TLD seemed to be in order. Dot museum is going to use a verification system known as "ENS" to verify that applicants qualify for a domain name. Initially, it appears that verification will be operated by the registry with some possibility that verification could be outsourced to a third party at a later date. Generally, it was felt that the highly restricted nature of this TLD, combined with the proactive policing of applicants by the registry, alleviated many of the IP concerns seen in the .info and .biz proof of concepts. Mr. Tom Turcan reported that negotiations between the joint

venture partners running .pro and ICANN continue. Guillermo Carey raised the issue of the prejudicial effect of the proposed limited rollout of .pro in certain countries.

b. New TLD evaluation issue: process and criteria

Mr. Metalitz reported that a Task Force has been assembled to design the process for evaluation of the new TLDs. Mike Heltzer from INTA is serving as the IPC representative. There was discussion about the importance of the length of the evaluation period. One year was proposed. It was then proposed that a better length might be one year from the rollout of the last of the seven new TLDs. The reasoning for this length is that we do not want an evaluation of only the two open TLDs. We also do not want to design a rollout based on data/experiences of the new open TLDs only. A significant period of operation is needed for evaluation, in order to determine what need the new TLD may have filled, whether registrations in the new TLD were disproportionately defensive, and whether any new online brands had been created. Mr. Metalitz mentioned the importance of collecting anecdotal evidence from IPC members in order to assist in evaluating the new TLDs. Mr. Metalitz also emphasized the need to reach out to the other constituencies that have historically agreed with the IPC on many of the challenges faced in adding new TLDs to the root. There was also a discussion about the need for the IPC to put together a paper concerning the varying views on the definition of a domain name (*i.e.* , is a domain name property?). Mr. Evans agreed to put together a short paper on the U.S. position and Ms. Mutimear agreed to put together a European perspective. The IPC will also solicit input from other countries around the world. Mr. Carey agreed to coordinate this process.

c. Alternative roots

There was substantial discussion about the need for an IPC position on alternate roots. Mr. Evans reported that INTA has been looking into this issue and may adopt a defined policy on the issue of alternate roots and alternative naming systems. If so, INTA would be happy to share its position with the IPC members to see if the IPC membership would like to endorse this position or use the INTA position as the basis for creating an IPC position paper on the issue. Mr. Metalitz reported that this issue is being raised before the U.S. congress and that the IPC was currently working on educating congressional staffers on these issues. Ms. Mutimear reported that representatives from RealNames were going to give a presentation to the IPC in Montevideo on both the RealNames technology and the XTNS technology. Also, Mr. Evans reported that he had replied to the e-mail he received in June from new.net and offered to meet with representatives from new.net in Montevideo to discuss the IP protection mechanisms available at new.net. Ms. Mutimear reported that an earlier search of new.net showed that approximately 58 of the top 75 brands registered in new.net appeared to be registered by parties unrelated to the brands.

5. UDRP issues and UDRP review task force

Ms. Mutimear reported that the Max Planck study of the UDRP would hopefully be

completed by mid-October. There was some discussion of the Geist Study recently reported in the press. Mr. Evans reported that INTA is looking into this study and would circulate a position for review of the IPC. Mr. Metalitz reported that the WIPO report on the second round of consultations had recommend no changes to the scope of the UDRP. Mr. Evans reported that the UDRP Task Force has been assembled and given the go ahead by Mr. Sheppard to begin its work. Mr. Metalitz advised that we need to initially focus on the issues on which we could reach consensus and then focus on what, if any, incremental changes need to be made to improve the UDRP.

6. Individual domain name holders constituency/expansion of constituencies

It was reported that the Names Counsel will hear a report on the results of the Task Force looking into the possibility of expanding the constituencies in the DNSO. To this end, a list of criteria is being developed that will guide the DNSO in evaluating whether a group should be allowed to form a new constituency within the DNSO. The report of the At Large Study Committee on changes in the system for electing At-Large Members of the ICANN Board will also be discussed in Montevideo.

7. WHOIS issues and Verisign initiative

It was reported that the statistics from the WHOIS survey have been assimilated and circulated to the members of the Task Force on a confidential basis. There still remains a lot of work because all of the surveys contained text information that has yet to be reviewed. There was considerable discussion about what should be done with the data collected. A suggestion was made that the data should be used as the basis of a position paper so that the information collected in the survey could be delivered in context. Mr. Metalitz reported that he had contacted Verisign about getting technical groups together from Verisign and the IPC to discuss the Verisign initiative on a universal WHOIS. Verisign informed Mr. Metalitz that it intended to hold outreach meeting. Mr. Metalitz attended the first such meeting in Washington, D.C. While technical people present at meeting, most of the D.C. outreach meeting was spent discussing various parties' angst at having not been consulted. Mr. Metalitz suggested, and it was agreed, that the IPC would send Verisign a detailed listing of the criteria essential to a workable WHOIS. Mr. Metalitz also renewed the call for technical persons that could assist Verisign in this initiative.

8. ICANN governance issues (at-large)

There was considerable discussion about the ramifications of the At-Large Report. It is uncertain how the reports recommendations about restructuring the allocation of Board seats would affect the overall structure of ICANN/the DNSO. Mr. Metalitz reported that we would be receiving a further briefing on this issue at our joint meeting with the BC and ISP constituency.

9. Future of .org

Mr. Carey advised that a statement of policy was being developed with regard to the divestiture of .org. Significantly, the SOP does not require any charter for .org on a going forward basis. After considerable discussion, it was determined that the biggest

concern for IPC is the need to ensure that .org is required to operate under the uniform ICANN policies currently in place for all other registries.

10. Internal and external communications

IPC web site has been redesigned in an effort to make the site more user friendly. An IPC listserv is currently being developed. IPC leadership has a goal to improve communication within the IPCC in order to generate wider participation by IPC members. Mr. Evans and Mr. Carey will work to put together a business plan for reaching this goal.

11. Preparation for IPC leadership and Names Council representative elections - timetable and process

IPC officer election to be held in October. At present, all but one current officer has agreed to stand for re-election. Treasurer Andrew Collins has indicated that he does not wish to serve another term. Mr. Metalitz has requested that Mr. Collins reconsider. Marty Schwimmer has also indicated a willingness to serve as treasurer. None of the current Names Council members desire to run for another term. The NC terms are set to expire in early 2002. We have geographic diversity requirement. Some names from North America and Europe have been put forward. We need to solicit candidates from Latin America, Asia- Pacific and Africa. There will be some need to have a transition period because we are losing all of our experienced representatives.

12. Discussion of ICANN Board election by Names Council members beginning in Montevideo

Mr. Metalitz reported his recent telephone conversation with Mr. Kane regarding IPC support for Mr. Kane's candidacy. Mr. Evans reported that he had received a call from Christopher Gibson in support of Mr. Kane. Mr. Metalitz also reported having received a call from Mr. Gibson in support of Mr. Kane. After considerable discussion about the issue of board representation, it was agreed that any final decisions on the Board elections would wait until after the IPC meeting in Montevideo on September 7th.

13. Adjournment

Being no other business, Mr. Metalitz adjourned the meeting at 7:45 PM

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