

## Minutes of the Intellectual Property Constituency, March 1, 2003

### London, United Kingdom

[Home](#) | [2001\\_Nov12\\_agenda](#) | [Oct\\_28\\_2002\\_Agenda](#) | [2002\\_May22\\_minutes](#) | [2003-05-07](#) | [2003-03-07](#) | [2002\\_Mar1\\_minutes](#) | [2002\\_Jun25\\_minutes](#) | [2001\\_Sep7\\_BA\\_agenda](#) | [2001\\_Sep7\\_MT\\_agenda](#)

[Home](#) **Present in London:** Steve Metalitz, Jane Mutimear, Mike Heltzer, J. Scott Evans, Laurence Djolakian, Ellen Shankman, Jonathan Robinson, Nick Wood, Tom Turcan, Elisabeth Logeais, Elisabeth Pricaz, Julius Stobbs, Luis de Larramendi, Jon Wyness.

[Up](#)

**By Phone:** Mark Bohannon, Susan Anthony, Jonathan Cohen, Troy Dow, Guillermo Carey, Kiyoshi Tsuru.

**Scribe: Mike Heltzer, IPC Secretary**

**March 1, 2001**

**London, United Kingdom**

#### I. Call to Order and Welcome

At 10:00 am (London), Mr. Metalitz called the meeting to order and welcomed members to the meeting. Members then introduced themselves.

#### II. Treasurer's Report

Mr. Metalitz, acting for Treasurer Mark Bohannon, delivered the Treasurer's Report, the highlights of which follow:

- At present, the balance in the IPC account is \$17,570.49.
- The IPC still has an outstanding payable to the Max Planck Institute for the UDRP study.
- Six or seven members have already paid dues for 2002.
- The IPC has made its payment to the DNSO.

Overall, the IPC is in sound financial shape and it is expected that it will meet all of its 2002 expenses.

Mr. Bohannon joined the meeting via conference call at approximately 12:00 pm (London) and provided the following additional information:

- First notice of dues went out on February 1<sup>st</sup>.
- A second notice for those who have not paid will go out on March 7<sup>th</sup>.

The IPCC agreed that if a member has not paid after the second notice, that member should be eligible for removal from the IPC membership roll.

#### III. Internal Communication

Mr. Heltzer reported that he had received word from IPC Webmistress Susan Anthony that the listservs will be up and running by the end of March. Ms. Anthony later joined the meeting via conference call at approximately 11:30 a.m. (London) and recommended that IPC members be afforded the opportunity to opt out of the listservs and that she serve as the moderator for the IPC-Comments listserv. There was no objection. Mr. Metalitz noted that the messages sent via the listservs will be archived.

Mr. Heltzer further advised that at the time of the meeting, the IPC had the following number of members:

- 20 Category 3;
- 11 Category 2; and
- 35 Category 1 (15 companies and firms; 20 individuals).

#### IV. AOL Keyword Presentation

At the request of Ms. Mutimear, Mr. Graham Anderson, a representative of AOL, delivered a presentation to the IPC on the workings of the AOL keywords system. The matter of keywords relationship to the DNS is a subject for discussion at the upcoming ICANN meeting in Ghana.

Mr. Anderson noted that the keyword is a short descriptive term that takes you around the AOL service. Subscribers also have access to the Internet. Members asked Mr. Anderson a variety of questions relating both to the technical and commercial aspects of keywords. Mr. Anderson answered each question in kind and noted that each of the keyword systems currently in place works in different ways.

It was noted that ICANN is particularly concerned about keywords that employ a "dot" to separate words. The word to the right of the "dot" could be viewed as a gTLD and keyword operators could claim proprietary rights, possibly preventing ICANN from introducing a similar gTLD.

#### V. Membership Committee Report

With a quorum present, the IPCC considered the report of the membership committee concerning applications for new members. The Membership Committee put forth the following applications:

- Category 1 (company or firm)

Ladas and Parry  
Verizon  
NetNames

- Category 1 (individual)

Tracy Arch  
Zulfiqar Khan  
Michael K. Lindsey  
Linda Hopkins  
J Scott Evans  
Michael Heller  
Ellen Shankman  
Caroline Chicoine

-  
Category 3

International Anticounterfeiting Coalition

All of the applicants were accepted by a unanimous vote.

**VI. Registrar Issues**

Mr. Robinson provided members with a report on registrar issues, including highlights of the recent registrars meeting in Washington, D.C.

- Registrars were made aware of anti-trust issues due to pricing controls for domain names that are made by a single group.
- Delete Issue - At present, a concern only for *.com* , *.net* and *.org* as these names are coming up for renewal, not yet for *.info* and *.biz* , which are new to the DNS.
- VeriSign WLS and ICANN Redemption Grace Period - There is support among the registrars for the ICANN redemption grace period.

Members then discussed the problem of registrar hoarding of domain names, which refers to registrars keeping the names and paying the obligatory fee to the registry.

It was noted that the registrars have not yet reached consensus with regard to auto-confirmation of transfer requests.

**VII. Task Forces**

**A. Structure Task Force**

Reporting via telephone, Mr. Bohannon stated that he had informed NC Chair Philip Sheppard that the IPC could not support that current draft report of the task force. Mr. Bohannon further noted that there was little or no support from other members of the task force. Finally, it was noted that the recent restructuring plan distributed by Stuart Lynn had overwhelmed discussions.

**B. UDRP Review Task Force**

Mr. Evans reported that Caroline Chicoine and Milton Mueller would continue as chairs until all surveys are distributed to members of the task force. Mr. Evans added that 130 survey responses were obtained via the DNSO website. Each member was given eight responses to review. From what he has seen, Mr. Evans added the following:

- There was little or no support for an appeals process.
- There was support for a centralized database of pleadings and rulings.
- There should be no precedential value of decisions.
- No problems with languages.
- The inadequacies of the WHOIS database make it impossible to prove a pattern of practice.

Overall, from what he has seen, Mr. Evans suggests that what the UDRP needs are "nips and tucks," but not a major overhaul.

**C. Transfers Task Force**

Mr. Wood reported that the processes associated with the transfers task force were flawed and indeed frustrating. The first face-to-face meeting of the task force will take place in Ghana.

**D. IDN Task Force**

Ms. Mutimear reported no new developments with respect to this task force, but noted that the subject matter is highly technical in nature.

**E. New gTLD Task Force**

Mr. Heltzer reported that the work of the new gTLD task force has been slowed considerably since before the holiday season and the release of the task force's preliminary report. With regard to the preliminary report, it was noted that the IPC had provided comments, specifically with respect to the fact that it was proposed that the study begin before all of the new gTLDs had been introduced into the root. There has also been some difficulty in coming up with specific questions to be used in the study. It is expected that the task force will meet in Ghana.

**VIII. .Pro**

Mr. Turcan advised that the *.pro* contracts are nearly complete. Four appendices have still not been posted. The delay in *.pro* has likely been due to an overwhelmed ICANN staff. The *.pro* sunrise will not only be for individuals, but for companies that provide services in the professional areas such as medicine, law and accounting.

**IX. Election of the Names Council Chair**

It was reported that Philip Sheppard had been elected to a new six-month term as chair of the Names Council. The vote was 11 to 8. The IPC then discussed possible successors to Mr. Sheppard.

#### **X. .Info Country Names**

Mr. Heltzer reported that ICANN has proposed releasing the held country names and offering them to the national governments. All those allegedly registered illegally under the sunrise will be challenged. ICANN has also proposed the creation of a new, closed, sponsored gTLD just for national governments. Mr. Heltzer added that INTA had recently made a similar proposal in response to WIPO, choosing to call the gTLD *.nation*.

#### **XI. ICANN Restructuring Proposal**

The IPCC spent considerable time discussing the recently released ICANN restructuring plan, which was authored by ICANN President Stuart Lynn.

Jonathan Cohen, the IPC representative from FICPI and a member of the ICANN Board of Directors, joined the meeting via telephone at 2:30 pm (London time) to offer his views on the proposal. Mr. Cohen reported that he supports the proposal in principle and that there is broad support for the proposal on the Board. He added that it was his firm belief that ICANN cannot complete its mission under the present structure. Mr. Cohen also noted the following:

- Governments have always been involved in ICANN, whether it is through the GAC or the MoU with the USG.
- The ccTLD situation has become highly politicized and ICANN is not equipped to handle this.
- The chances of ensuring appropriate representation of intellectual property interests are much higher under this plan.
- The At-Large will not work and ICANN does not have the resources to make it so.
- Some current Board members will stay on to oversee the implementation of the new structure.
- The new structure will likely take one year to implement.
- Movement on the plan will likely be sooner, rather than later.
- The U.S. DoC was not consulted on the fine details of the plan.

Members of the IPC present at the meeting and participating by phone asked Mr. Cohen a number of questions, including why an IP slot was not provided on the gTLD or ccTLD policy committees. Mr. Cohen was not sure why and suggested that this issue be brought to the attention of ICANN staff. However, Mr. Cohen did add that it was his strong belief based on his experience at the Board level, that the members of the Board are very aware of issues relating to IP. Furthermore, in Mr. Cohen's opinion, having government appointments at the Board level will ensure that IP issues continue to be represented.

It was also noted that in September 2002, the ICANN/USG MoU is up for extension. Mr. Cohen said that there was some doubt as to whether the DoC would renew the MoU if something were not done with regard to the structure of ICANN.

Members present and on the phone then discussed what position the IPC should take with respect to the restructuring plan. It was decided that the IPC would inform ICANN and other interested parties that the IPC believes that the Lynn proposal should be the basis for further discussion about ICANN restructuring. However, the IPC would add that it has a number of questions as to how IP issues would be processed in the new structure. Mr. Metalitz agreed to prepare a summary statement concerning the IPC position.

#### **XII. WHOIS**

##### **A. WHOIS Task Force**

Ms. Djolakian, the IPC representative on the task force, updated the members on its work thus far:

- 3,000 responses received.
- Each member of the task force has read 300 responses.
- Results thus far show that a majority of the respondents believe WHOIS access is necessary.
- However, there is a great deal of opposition to bulk access, as that leads to people receiving "spam."

##### **B. VeriSign Universal WHOIS**

Mr. Metalitz advised that VeriSign had posted a requirement statement and is looking for approval from the IETF. IPC representatives will meet soon with Verisign representatives to discuss the requirements statement.

##### **C. GNR/VeriSign WHOIS Project**

Mr. Metalitz reported that GNR, the operator of *.name*, has had second thoughts concerning some of the operations of its WHOIS system. VeriSign has now added its voice and has already sponsored an off-the-record meeting on the subject.

#### **XIII. Delete / WLS**

Members considered a proposed position statement submitted by INTA concerning the VeriSign WLS. Mr. Heltzer presented the highlights of the document, noting opposition to the plan, as well as stating support for ICANN's proposed redemption grace period.

Members opted to endorse the proposed support for ICANN's redemption grace period, noting that the problems concerning deletions are ones that are industry-wide. They should therefore be solved at a policy level by ICANN and not as piecemeal business decisions.

Earlier in the meeting, during the discussion on registrar issues, the members agreed that the redemption period would likely reduce demand for the WLS.

Mr. Heltzer and Mr. Evans were asked to provide the IPC with a re-draft of the INTA document so that it focuses only on the IPC support for the

ICANN redemption grace period.

#### **XIV. .US**

It was noted that the .us sunrise is scheduled to start on March 4<sup>th</sup>. Members present continued to express skepticism over the effectiveness of many of the procedures put in place by NeuStar. Mr. Evans noted that the PTO database, which NeuStar intends to utilize, is 8 to 9 months behind on assignment recordals.

#### **XV. Next IPCC Meeting**

The IPCC will next meet on Wednesday, May 22 2002 in Washington, D.C. Details TBA.

*This site was last updated 06/03/05*