

INTELLECTUAL PROPERTY CONSTITUENCY MEETING

Thursday, April 21, 2005, 10:30 AM EDT

Advance Agenda (4/21/05)

- I. IPC Housekeeping Issues - Update
 - A. Website
 - B. Membership Forms (Cats. 1, 2, 3)
 - C. Updating IPC By-Laws re: Changes to GNSO Council Reps (see below)

- II. ICANN Related Issues
 - A. Change to ICANN By-laws on Number of GNSO Council Seats - Approved - [Board Resolutions](#)
 - 1. [IPC Comment](#)

 - B. Report on Argentina (Mar del Plata) Meeting April 4-8 – Nik Lagergren
 - 1. GNSO Council developments
 - 2. Whois developments
 - 3. Board actions (see Board Resolutions above)
 - 4. GAC Report (Whois/Law Enforcement) (see attached)
 - 5. Other issues

 - C. Recent ICANN Postings
 - 1. [Compliance Program](#)
 - 2. [Report on Whois Data Problems Report System](#)
 - 3. [.NET Evaluation](#)
 - 4. [Strategic Plan](#)

- III. Other Issues/Next Meeting
 - A. [National Research Council Report on the Domain Name System](#)
(see attached Whois excerpts)

INTELLECTUAL PROPERTY CONSTITUENCY MEETING**Minutes**

Thursday, April 21, 2005 10:30 AM EDT - 11:30 AM EDT

Attendees: J. Scott Evans, Jane Mutimear, Michael Heltzer, Steve Metalitz, Ryan Lehning, Shelley Jones, Mike Palage, January Cohen, Ellen Shankman, Niklas Lagergren

I. Website, Invoicing, and Updating IPC By-laws

Participants briefly discussed IPC housekeeping issues. Ryan reported that he was still working on getting the website up and running. Ryan will have a website built and ready to be deployed by May 15. Invoicing will begin once the website is made public. Following-up on ICANN's change to allow three Constituency Representatives to the GNSO Council, J. Scott Evans, Michael Heltzer, and Ryan Lehning agreed to meet in order to move forward with changing the IPC By-laws to reflect this alteration. In addition, J. Scott, Michael, and Ryan will discuss any further changes that the By-laws may need.

II. ICANN issues

Niklas Lagergren, one of the IPC's representatives to the GNSO Council, gave a brief summary of the ICANN meeting in Argentina held April 4-8. Nik reported that the GNSO Council identified two tiers of tasks that it would focus on in the near future. These three major tasks: 1) the Whois Policy Development Process (PDP); 2) new gTLDs; and 3) the Strategic Plan. There are also three significant tasks the GNSO Council will focus on: 1) Transfer/Deletes Policy; 2) Contract Compliance; and 3) New Registry Services. Nik also reported on domain name auction model presentations made by VeriSign, SnapNames, and the Global Domain Name Exchange. A transcript of these presentations can be found at <http://www.icann.org/meetings/mardelplata/captioning-gnsocouncil-06apr05.htm>, and Powerpoints of the presentations themselves are attached. Participants agreed that the IPC should formulate an opinion on the domain name auction models particularly as it appears they will be discussed in detail at the next ICANN meeting in Luxembourg in July. Finally, Nik mentioned the report issued by the Government Advisory Committee (GAC) which stressed the importance of Whois for law enforcement purposes. *See GAC Communiqué, available at <http://194.78.218.67/web/communiqués/gac21com.rtf>*. This report also stated that the GAC would hold a joint working session with the GNSO Council at the Luxembourg meeting to discuss Whois in law enforcement.

Participants then engaged in a discussion on new sponsored top level domains. It was reported that .post has cleared all the objective criteria for recognition as a new sTLD and is now undergoing contract negotiations with ICANN staff. .cat is also undergoing staff negotiation. Finally, .mobi has been approved for staff negotiation, but we are not sure whether staff is currently negotiating a contract with that prospective sTLD. Some IPC participants expressed concern that some sTLDs did not appear to be truly "sponsored," because the communities were so large. IPC participants agreed to consider formulating a clearer definition of what constitutes a "sponsored" TLD.

Steve Metalitz gave a brief presentation on the recently released contract compliance program, see <http://www.icann.org/compliance/>. Steve noted that the program generally looks promising, though it appears to exist largely on paper: no compliance officers have been announced, nor do their jobs appear to be posted. Furthermore, this program comes nearly a year after it was supposed to be implemented, under the terms of the MOU. See ICANN - Department of Commerce Memorandum of Understanding, Sec. 11.C.14.d, at <http://www.icann.org/general/amend6-jpamou-17sep03.htm>.

Steve also mentioned the Whois Data Problem Reporting System report issued at the end of March. See Second Annual Report on InterNIC Whois Data Problem Report System, at <http://www.icann.org/whois/wdprs-report-final-31mar05.htm>. Steve noted two problems with the system as it currently stands. First, it has not been sufficiently publicized, nor does the report indicate how it should be better publicized. Second, a significant failing of the system is that it relies on complainants to verify that Whois information for the complained of domain name has been updated. When ICANN staff double-checked a number of these verifications, staff discovered that they were incorrect. Where complainants had indicated that Whois information had not been updated, they in fact had been updated.

Finally, with respect to the recent .NET Evaluation, Steve noted that the Telcordia report did not reflect some IPC participants' concerns over DENIC's failure to adequately comply with Whois requirements. See ICANN Publishes Telcordia Report on their Findings and Rankings for .NET, at <http://www.icann.org/announcements/announcement-28mar05.htm>. The ICANN Board plans to review the Telcordia Report as well as comments submitted in response to that report. See Update - .NET RFP Process, at <http://www.icann.org/announcements/announcement-20apr05.htm>.

IV. Other Issues/Next Meeting

Attendees scheduled the next IPC meeting for Tuesday May 24 at 10:30 AM EDT. Ryan will circulate call-in information and an agenda in advance of the meeting.