

**INTELLECTUAL PROPERTY CONSTITUENCY MEETING  
ICANN LUXEMBOURG MEETING**

Monday, July 11, 2005, 2:30 PM (Local Time)

Briefing Room 4, [Luxembourg International Fair and Conference Centre](#)

Advance Agenda (7/01/05)

- I. Introductions and Agenda Approval
- II. IPC Housekeeping Issues
  - A. New [www.ipconstituency.org](http://www.ipconstituency.org)
  - B. Update on IPC By-Laws changes
  - C. Invoicing
  - D. Planning for next meeting, Washington, DC (September 14?)
- III. Update on Whois Task Force - IPC Constituency Statements - Due July 21
  - A. [Terms of Reference](#) Item 1 - Purpose of Whois
  - B. [Terms of Reference](#) Item 2 - Purpose of Whois data contacts
    - 1. Starting points: Transfers Policy Definitions
    - 2. Questionnaire to IPC members re current practices
  - C. [Recommendation for consensus policy on procedure for resolving conflicts with local law](#)
  - D. Issues for future action
    - 1. Tiered access
    - 2. Whois data accuracy
  - E. Report on Whois GAC workshop
- IV. New gTLDs
  - A. Presentation from .mobi
  - B. Other sTLD presentations?
  - C. [ICANN new gTLD strategy](#)

- D. Definition of “Sponsored” TLD
- V. Other issues from GNSO Cross-Constituency Meeting
  - A. [ICANN budget](#)
  - B. WSIS/WGIG/ICANN-DOC MOU
  - C. [ICANN compliance program](#)
  - D. Other issues
- VI. Wrap-up and adjourn

## INTELLECTUAL PROPERTY CONSTITUENCY (IPC) MEETING

### Minutes

Monday, July 11, 2005 14:30 - 16:30 CET (Luxembourg)

Attendees: Jane Mutimear, Joon Kook Park, Christian Wichard, Laurence Djolakian, Lucy Nichols, Jonathan Cohen, Manuel Lousada, Kirsty Holmes, John Berryhill, JFC Morfin, Antony Van Couvering, Rebecca Smith, William New, Jon Holletrom, Jenny White, Gau Brown, Daniel Madden, David Taylor, Jane Seager, Kiyoshi Tsuru, Dessi Pefeva, Dirk Krischenowski, Alexander Schubert, Niklas Lagergren, Steve Metalitz.

Steve Metalitz (SM) updated the meeting participants on some **“housekeeping” issues**, notably (i) that the new IPC website was launched in June 2005 and that it can be found at [www.ipconstituency.org](http://www.ipconstituency.org), (ii) that the procedure to update the IPC By-laws to reflect the change in the number of GNSO councilors is on the verge of completion, (iii) that the next face-to-face meeting of the IPC is tentatively scheduled on September 14<sup>th</sup> in Washington D.C. and (iv) invoicing.

On **WHOIS**, SM explained that the IPC is actively working on the drafting of the constituency statements with regard to Items (1), (2) and (5) of the new “WHOIS Task Force Terms of Reference” (ToF) (<http://gnso.icann.org/policies/terms-of-reference.html>). These constituency statements are due by July 21<sup>st</sup> 2005. On Item 1 (i.e. purposes of WHOIS), a very comprehensive and informative contribution by INTA should be a very useful contribution to the IPC response. On Item 2 (i.e. purpose of registered name holder, technical and administrative contact data), a questionnaire has been sent out to the IPC members to help shape the IPC feedback. On Item 5 (i.e. conflicts between ICANN obligations and national law), SM summarized the work carried out by the task force and welcomed the fact that a consensus on the topic has emerged between the ICANN constituencies, although differing views certainly remain on how frequent and serious the problem “meant to be fixed” actually turns out to be. SM further noted that “tiered-access” and “WHOIS” accuracy will be the next subjects to be tackled by the task force. With specific reference to “WHOIS accuracy,” it was recalled that the GNSO unfortunately decided on 23 June 2005 to leave out “up-front verification of WHOIS data” from the scope of the ToF and that the task force will thence only look at how to improve the process of notification of inaccurate data, instead of trying to address the very source of the problem. Finally, SM summarized the WHOIS/Enforcement work-shop held on July 10<sup>th</sup> and explained that the next ICANN meeting (Vancouver, November-December 2005) should feature a follow-up session addressing wider topics, such as privacy and IPRs.

A large part of the meeting was also devoted to the topic of new gTLDs. A presentation by Ray Fassett on .jobs allowed for an interesting discussion of specific features of the .jobs application, such as its modified UDRP (based on trade names rather than trademarks) and its foreseen procedure to assess the legitimacy of domain name requests. The “reserve list” process is now underway in which companies can reserve their company names, and “first come first served” registration will commence in September. A second presentation on .xxx by Stuart Lawley (ICM Registry) led to an exchange of views on the potential amount of defensive registrations that is likely to be triggered by the new “adult entertainment” gTLD. Finally, Ritva Siren (Nokia) and Ram Mohan (Afilias) gave an overview of the .mobi application that triggered

numerous questions on “gate-keeping” as well as the size and definition of “sponsored community.”

As for other business, SM drew the attention of the IPC to the somewhat heated debate with ICANN Board members that took place earlier in the day during the cross-constituency meeting on the specific subject of the .net re-delegation and certain provisions of the new .net contract (e.g. phasing out of the price caps constraining the Registry) that were considered not to have been properly publicized by parts of the ICANN Community. The preparation of future cross-constituency meetings, IPC input as well as the most appropriate model to shoot for in terms of format were acknowledged as issues to be addressed in a future IPC meeting, probably on September 14<sup>th</sup>. Finally, before thanking everybody for their participation in the IPC meeting, SM reminded everyone about the WGIG report to be adopted in the second half of July and the public consultation period that will ensue until August 2005.