

**Meeting of the Intellectual Property Constituency (IPC)
December 1, 2005 – Vancouver, Canada
MINUTES**

Present: Ryan Kaatz (Ladas & Parry), John Rodriguez (USPTO), Joon K. Park (Shin & Kim), Charles Shaban (AGIP), Shelly Jones (Borden Ladner Gervais), Ed Juskevicius (Nortel), John Londoner (North River Capital), Lucy Nichols (Nokia), Jim Mercer (Reptilian Research), Lynne Mackon Roy (CIRA), Margaret Osborne (CIRA), Mike Heltzer (INTA), Tony Rosati (Centicom), Debi Rosati (CIRA), Antony Van Couvering (Names @ Work), Kate Zimmerman (Names @ Work), Brian Johnson (.jobs), David Steele (Christie, Parker & Hale), David Taylor (Lovells), Niklas Lagergren (MPA), Mike Rodenbaugh (Yahoo), Pete Becker (Microsoft), Ute Decker (IFPI), Wendy Leibowitz (E-Commerce & Law Report), Mark Kudlacik (Check Mark Network), J. Scott Evans (Adams Evans PA), and Steve Metalitz (COA).

I. Housekeeping and Introductions

Attendees introduced themselves. Mr. Metalitz then announced the winners of the recent IPC elections: Metalitz (President), Chicoine (Vice President), Bohannon (Treasurer), Heltzer (Secretary), and Decker (GNSO Council Rep.). Mr. Metalitz also indicated that Mr. Bohannon would be attending to the distribution of dues notices after the first of the year.

II. .com Agreement and Verisign Settlement

Discussion about how a settlement to the recent ICANN/Verisign litigation would free up ICANN resources for other critical matters, notably enforcement of contracts. There are, however, four areas of concern, which were discussed during the IPC meeting, and which were communicated to the ICANN Board. They are: (1) the bulk of ICANN's financial resources would come from Verisign ("He who pays the piper calls the tune."); (2) to what extent Verisign would have a free pass in the implementation of new registry services; (3) the fate of Appendix W of previous ICANN/Verisign agreement, which called for significant Verisign monetary contribution to the infrastructure of the DNS, including a universal Whois; and (4) use by Verisign of traffic data for commercial purposes.

At the request of the Board, IPC to offer specific suggestions in terms of changes to the proposed agreement. Mr. Metalitz to draft. (Note: For approved revised version see <http://www.onlineaccountability.net/IPC/PDFs/IPC%20Statement%20on%20.com%20registry%20agreement%20120705.pdf>.)

Final discussion among attendees on the need for consistency among registries, while taking into account the size of the .com registry.

III. WIPO II

Mr. Heltzer advised attendees that ICANN President Paul Twomey has requested that the IPC lead a new GNSO effort to reach consensus on WIPO II, which calls for the extension of the UDRP to handle disputes involving country names and names of IGOs. Dr. Twomey is hoping that consensus can be reached on the IGO matter, with the understanding that the IGOs will

never give up their immunity in national courts. Mr. Heltzer indicated that he would seek to work with other constituencies after the first of the year.

IV. IDNs

Mr. Shaban delivered a presentation on the latest developments concerning internationalized domain names, including the development of universally accepted protocols that would permit wide use of IDNs. It was noted that there was a day-long forum in Vancouver on the technical aspects of IDNs.

V. Whois Task Force and Non Com Privacy Forum

Mr. Metalitz provided an update on the Whois Task Force, noting that the GNSO had recently forwarded to the Board a recommendation on conflicts between Whois policy and local privacy laws. There still remains significant divides, however, as to the purpose and uses of Whois, as well as the extent to which there are conflicts with privacy laws and regulations.

Privacy and Whois were the subjects of a forum on November 29, which was sponsored by the Non Commercial and Registry Constituencies. The forum was one-sided, with presentations only in favor of restricting Whois access.

VI. Next IPC Meeting

Wellington, NZ, March 2006, or earlier as called by IPC officers.