

GNSO INTELLECTUAL PROPERTY CONSTITUENCY

Monthly Meeting via Teleconference
Tuesday, June 19, 2012, at 1530 UTC

MINUTES

ATTENDEES:

Adam Scoville
Andy Coombs
Ann Aikman-Scalese
Ashley Demouchel
Brian Winterfeldt
Caroline Chicoine
Catherine Lloyd
Claudio DiGangi
Ellen Shankman
Emily Murray
Greg Shatan
Hector Manoff
J. Scott Evans
Jonathan Cohen
Jonathan Zuck
Josh Jarvis
Kiran Malacharuvil
Ken Taylor
Kristina Rosette
Luann Morrow
Luca Barbero
Marc Trachtenberg
Marcus Bahmann
Marty Schwimer
Michael Adams
Nick Wood
Petter Rindforth
Phil Marano
Scott Bain
Shelly Jones
Shelly White
Steve Metalitz
Trevor Schmidt

1. Introductions/agenda review/scribe

A. J. Scott Evans agreed to scribe.

2. Welcome of new secretary, approval of new members, and other housekeeping

It was announced that Stacey King has resigned as Secretary. IPC Leadership, in accordance with the bylaws, has appointed Ellen Shankman to serve out the rest of Stacey's term.

A new category one application for the Kuster Law Firm has been filed and approved by the Membership Committee. The application was approved. The Secretary was asked to send a welcome email and the Treasurer to invoice the firm.

3. "Big reveal" of new gTLD applications

A. Plans for meetings with applicants in Prague

IPC has reserved a room in Prague for the entire day on Monday to meet with some of the larger gTLD applicants. IPC will ask attendees from IPC to identify if they are substantially involved in handling other applications. The purpose of these meetings is to go over issues important to the IPC membership such as WHOIS, RPMs etc.

B. Plans for review of applications/possible comments

INTA is working on a plan for reviewing the gTLD applications. Adam Scoville provided a report on the INTA plan. Adam advised that the review will focus on specific parts of the applications such as: Whois, TLD purpose, RPMs. This review is not meant to supplant a member's need to look at those applications relevant to its business, but to assist INTA and IPC in assessing if they should file comments on any of the applications. It was reported that the Coalition for Online Accountability was going to concentrate on about 40 applications that appear to be focused on content (e.g., .music, .movie). The comment period is open and currently is set to run for 60 days from June 13, 2012.

4. Issues anticipated for Prague meeting – guidance for IPC participants

At this point we are expect at least 30 IPC members to be traveling to Prague. This is a much larger contingent than normally attend the in-person meetings.

A. Registrar Accreditation Agreement revision

Reported that we have a Staff draft of proposed changes to the RAA. No agreed-upon language, but more insight that we have had in the past. Steve circulated a memo on this on Monday, June 18, following up on a meeting of the IPC RAA Working Group the week before. There are about 4 or 5 issues where there is not full agreement or IPC concerns remain: (1) verification/validation of WHOIS data - we should be supportive of the Staff proposal even though it has some flaws; (2) privacy/proxy registrations – proposal to have ICANN accredit proxy service providers – IPC feels there needs to be a time certain for this. Also there is a need to validate/verify the registrant details even if not public; (3) Cybersquatting by

Registrar or its Affiliates – Staff proposal is to have some type of de-accreditation when a “pattern or practice” is shown in UDRP proceedings, this needs to be clarified; (4) Last issue: how to get Registrars to adopt new provisions when their contracts may not be up for renewal. IPC proposal is to not allow a Registrar to register names in the new gTLDs until they have adopted the RAA changes. There will be a briefing from staff on this at the IPC meeting in Prague and there are a few sessions on this throughout the week.

B. Trademark Clearinghouse/URS

Brian gave a brief summary report on the US Brand Owner Summit on June 11. The summit was divided into three sessions: ICANN and the Political Landscape; Various Positions in the Ecosystem; and Trademark Owners’ Brainstorming and List of Priorities. A summary of the meeting is being finalized. The point was made that we have an opportunity to socialize the outcomes of the US Brand Owner Summit with GAC members and other “like-minded” constituencies. It was reported that there is a round table discussion on the URS on Wednesday, June 27 from 12:30 PM to 2:00 PM. The purpose of this session is to begin working through the issues that have been difficult for ICANN in implementing the URS as modified by the STI.

C. Renewal of .com agreement

There is a consensus that .com should have Thick Whois. Another issue is some type of commitment to the new RPMs being implemented for the new gTLDs (essentially the URS).

D. Whois Review Team report

IPC has filed extensive comments on the draft report. IPC has not filed comments on final report. IPC members were encouraged to support the report. While the Review Team appears to have backed off some of its initial recommendations, it is believed that the overall report is positive.

E. Matters before GNSO council

Two motions before the council. First, there is a Motion to Address Whois Access as recommended by the Registration Abuse Policy Working Group. Second, is a Motion to Approve Internationalized Registration Data Working Group Final Report. We need to be mindful as we see WHOIS system technical capabilities improved and ensure that technical capability improvements are not used to set new policies. The text of these motions along with a list of the GNSO working sessions on Saturday and Sunday can be found at the following links:

<https://community.icann.org/display/gnsocouncilmeetings/GNSO+Working+Session+Prague+Saturday+2012-06-23>

<https://community.icann.org/display/gnsocouncilmeetings/GNSO+Working+Session+Prague+Sunday+2012-06-24>

F. ICANN leadership changes and Board meeting with CSG

ICANN scheduled to hold press conference on Friday, June 29th to announce the new CEO. It is rumored that the new CEO will not be taking his/her position for a couple of months. It was also reported that the COO, Akram Atallah, will step in as the Interim CEO after Rod Beckstrom's contract ends June 30th. Review of Prague logistics and remote participation

CSG scheduled to meet with the Board of Directors on Tuesday. Open to all CSG constituency members (IPC, BC, ISPCP). There was some discussion that there may be some discussion of the GAC's recent letter to ICANN, which addressed (1) concerns about "digital archery" method for batching applications for evaluation; (2) GAC Early Warning timing which the GAC states all early warnings will issue together after Toronto meeting; (3) GAC is not going to offer any advice to Board before ICANN meeting in APAC in spring 2013. This begs the question if ICANN will go ahead and delegate new gTLDs without having received any GAC advice. A copy of the GAC letter can be found at the following link:

<http://www.icann.org/en/news/correspondence/dryden-to-crocker-17jun12-en.pdf>

The question was raised if there was any intergovernmental process for issuing early warning. It was reported that there is an interagency process and that NTIA is also reaching out to the states due to the geographic indications issue.

Schedule for Prague and work schedules have been sent to the listserv. You can find information regarding the remote participation on the ICANN Prague site.

The IPC meeting is at 2 PM local time on Tuesday, June 26th (1 PM UK time; 8 AM EDT; 7 AM CDT; 6 AM MDT; 5 AM PDT). We will have remote participation for the IPC meeting.

5. Schedule for future IPC meetings –

The following tentative IPC meeting schedule was announced (all via teleconference at 1530 UTC):

July 10 (post-Prague); August 14; September 11; and October 9 (pre-Toronto).

6. Assignment review and adjourn