

ICANN 56 Pre-Event Briefing
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Centre for Communication Governance

Pre-Event Briefing Note for ICANN 56

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INTRODUCTION

ICANN 56 is scheduled from 27 - 30, June 2016. The second public meeting of 2016 will be following the B Meeting Format for the first time. As per ICANN's new meeting strategy, the B meeting format will not have any welcome ceremony, public forum, public board meeting, or sponsor exhibition areas. It is a four-day meeting with sessions limited to "policy work and outreach". Supporting Organizations and Advisory Committees have lead the organization of the program and agenda. The guiding principle of the B meeting format is that sessions scheduled "should be core to current policy development work, and involve working with other constituencies on matters that would benefit from cross-community dialogue".¹

ICANN 56 is also the first meeting after submission of IANA transition proposal to the NTIA. It is also the first meeting after the adoption of the amended bylaws that were a result of the Work Stream 1 recommendations of the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Acct).

CCG has invited Milton Mueller and Robin Gross to share an update on the current status of the IANA Transition, and to discuss what lies ahead.

A Brief Update on the IANA Transition

1. Recap: What happened at ICANN 55

The Marrakech Meeting saw the finalization of the proposal, and approval by the Chartering Organizations of the Working Groups that developed the proposal. The intention to transition the U.S Governmental oversight to the 'global multistakeholder community' was announced in March 2014. The approval and transmission of the final proposal in March 2016, can be considered the

¹ Read more about the New Meeting Strategy at <<https://meetings.icann.org/en/future-meeting-strategy>>

culmination of the multistakeholder process that began in 2014. Although, the (complete) privatization of the Internet's Domain Name System (DNS), was outlined since the inception of ICANN, as early as 1998.

The proposal contains a comprehensive plan to transition the U.S. Government's stewardship of Internet Assigned Numbers Authority (IANA) functions, which are critical to the smooth operation of the Internet. The proposal also provides measures to enhance ICANN's accountability as a fully independent organization in the absence of the oversight. At ICANN 55 each of the Chartering Organizations approved the complete transition proposal. The ICANN Board received this complete proposal from the ICANN community. It has since transmitted the proposal to the U.S. National Telecommunication and Information Administration (NTIA).

2. What happened since ICANN 55: NTIA endorses the Proposal, Amendment of Bylaws, Articles of Incorporation redrafted (public comment open)

The NTIA has received the comprehensive proposal from the ICANN Board and is currently reviewing the proposal. It set a 90 day window for this review, and is [due to completed](#) on 10th June.

On March, 16, the US Government also [announced](#) that it had contracted Harvard University's Berkman Centre to do an independent review of the IANA Transition Proposal.

Meanwhile, ICANN has taken steps for implementation planning as the ICANN Board [passed a series of resolutions](#) that adopted changes as required under the transition proposal. It adopted the new ICANN Bylaws, which were subsequently transmitted to NTIA forming the final piece of the transition proposal package.

Additionally, the Board also approved the [Regional Internet Registries Service Level Agreement](#) for signing. Another community agreement approved by the Board was the Internet Engineering Task Force Memorandum of Understanding Supplemental Agreement. This would become effective upon completion of the transition. The Articles of Incorporation is also required to be amended and restated as per the Transition Proposal. The [draft restated Articles of Incorporation](#) have been [posted](#) for a 40-day public comment period which concludes on 6 July, 2016.

3. Committee Reviews and Politics

Soon after the Marrakesh Meeting, the U.S. House of Representatives Energy & Commerce Subcommittee on Communications and Technology held a hearing. On 17 March, 2016 stakeholders [testified](#) strongly in support of the transition before the Subcommittee.

Later, on 24 May, 2016, the U.S. Senate Committee on Commerce, Science, and Transportation held a [hearing](#). This hearing had a mixed result with a pinch of skepticism among the witnesses called to testify. Some stakeholders indicated their support for the proposal, while others felt there were elements that need to be carefully reviewed before the transition could be fully implemented. The idea of a 'test run' was floated and considered, while some witnesses warned that any deviation would depreciate trust in the multistakeholder model.

The resistance to the IANA Transition in the United States mainly from Republican Senators has taken many forms [including introducing a bill](#) in the congress which could delay the transition.

Spaces for Engagement

● Active PDPs

All these developments regarding the transition have not ceased the policy development processes (PDPs) at ICANN. Some the active PDPs include:

- [New gTLD Subsequent Procedures](#) : This PDP was initiated by the GNSO after the closure of the first round of new gTLD applications. The aim was to evaluate and learn from the experiences of the first round, and make policy recommendations and changes for subsequent rounds. The process began with the setting up of a discussion group that identified issues and areas of policy development for subsequent procedures. This process then culminated in the [preliminary issue report](#) and the [final issue report](#). The GNSO Council then passed a resolution to initiate the PDP and set up a working group. More information on this PDP can be found [here](#).
- [Next Generation gTLD Registration Directory Service \(RDS\)](#) : This Board-initiated PDP is the latest step in 15 years of efforts to develop a stronger WHOIS policy. WHOIS discussions usually revolve around issues of accuracy, purpose, availability, privacy, anonymity, cost, policing, intellectual property concerns and malicious use. This PDP will be analysing all these issues, with the aim of answering these questions- (1) what are the fundamental requirements for gTLD registration data; and (2) is there a need for a new RDS to replace the existing WHOIS policy. This work is expected to take place over three phases. More information on this PDP can be found [here](#).

- [Rights Protection Mechanisms](#) : Since the new gTLD Program, several new Rights Protection Mechanisms (RPMs) have been developed taking into account potential trademarks concerns that could arise from the increase of gTLDs: the Uniform Rapid Suspension Dispute Resolution Procedure (URS); the Trademark Clearinghouse (TMCH) and the associated availability through the TMCH of Sunrise periods and the Trademark Claims notification service; and the Post-Delegation Dispute Resolution Procedures (PDDRPs). This focus of this PDP is to conduct a review of all RPMs in all gTLDs in two phases: Phase One will focus on a review of all the RPMs that were developed for the New gTLD Program, and Phase Two will focus on a review of the Uniform Dispute Resolution Policy (UDRP). More information on this PDP can be found [here](#).
- Open Public Comment Period on [Revisions to ICANN Expected Standards of Behaviors](#) to address harassment issues faced by participants.²
- **APAC Space:**

The APAC Space is a regionally focussed meeting that usually takes place at each of ICANN’s public meetings. In April, 2016 for the first time, an APAC Space Web Conference was held. This bimonthly web conference will focus on themes of regional importance, and the theme of the first conference was on APAC Participation in the GNSO. Read more on this [here](#).

● CCWG - Accountability Work Stream 2

Work Stream 2 of the CCWG Accountability is expected to kick off at ICANN 56 in Helsinki. A number of crucial factors of globalizing ICANN and enhancing ICANN's accountability are covered under the ambit of Work Stream 2 including themes of jurisdiction, diversity, transparency etc. The call for volunteers has already been announced.³

³ The document that provides the list of nine topics, and procedure for volunteering to participate in these groups can be found here
<https://docs.google.com/document/d/1lw5yn9GRk8RcnTjzclwB-JuSe3B6lugEj_0oGOCseqU/edit>