



# *The International Domain Name Update*

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# *The main problems*

<i>Monopoly</i>	<b>control over registration</b>
<i>Collisions</i>	<b>in name choices</b>
<i>Infringement</i>	<b>of trademarks</b>

# *What are some of the problems?*

## ❖ **Complexity**

- ❏ **Misunderstanding complexity of problem(s)**
- ❏ **Limitations in competitive experience**

## ❖ **Openness and greed**

- ❏ **On the Internet, no one knows you're a dog**
- ❏ **NSI windfall profits prompts others**

## ❖ **Law & authority**

- ❏ **Lack of teeth for central Internet administration**
- ❏ **Challenges to authority**
- ❏ **Lack of international trademark law**

# *Creating a solution*

<b>IAHC</b>	<b>International Ad Hoc Committee (now iPOC)</b>
<b>Request</b>	<b>Internet Assigned Number Authority (IANA)</b>
<b>Initiative</b>	<b>Internet Society (ISOC)</b>
<b>Members</b>	<b>IANA, ISOC, IAB, INTA, ITU, WIPO, FNC/NSF</b>
<b>Public review</b>	<b><a href="http://www.iahc.org">www.iahc.org</a>, and <a href="mailto:iahc-discuss@iahc.org">iahc-discuss@iahc.org</a> 4K+ messages, 100 formal submissions</b>
<b>Schedule</b>	<b>Started 10/96; Draft 12/96; Final 2/97 Operation by 3Q98</b>

# *History*

- ❖ **2 1/2 years of initial discussion**
  - 📄 **No resolution**
- ❖ **10 months of IAHC work**
  - 📄 **More open than any previous Internet activity**
  - 📄 **Massive participation**
  - 📄 **Massive publicity**
  - 📄 **Extensive modifications**

# *Previous efforts*

## ❖ **Debates**

- 📄 **Endless - 2 1/2 years so far**

- 📄 **Many mailing lists**

## ❖ **Studies**

- 📄 **3 Harvard workshops**

## ❖ **Proposals**

- 📄 **draft-postel-iana-itld-admin-02.txt**

- 📄 **draft-iahc-denninger-00.txt**

# *The (Desired) Results*

**Competition**      **among registrars**

**Choice**      **of names**

**Resolution**      **mechanism for disputes**

**Stability**      **of registration, operation,  
evolution**

# *The Plan*

## gTLD Governance

- ❖ International standing
- ❖ Public policy oversight

## gTLD Administration

- ❖ More TLD names
  - 📄 Seven, for now
- ❖ Registrars share TLDs

## Dispute Mechanisms

- ❖ Announcement before use
  - 📄 Voluntary, 60-day delay before investment
  - 📄 Possible court recognition
- ❖ WIPO-administered
  - 📄 Administrative challenge
  - 📄 Famous name and individual holder

# *gTLDs*

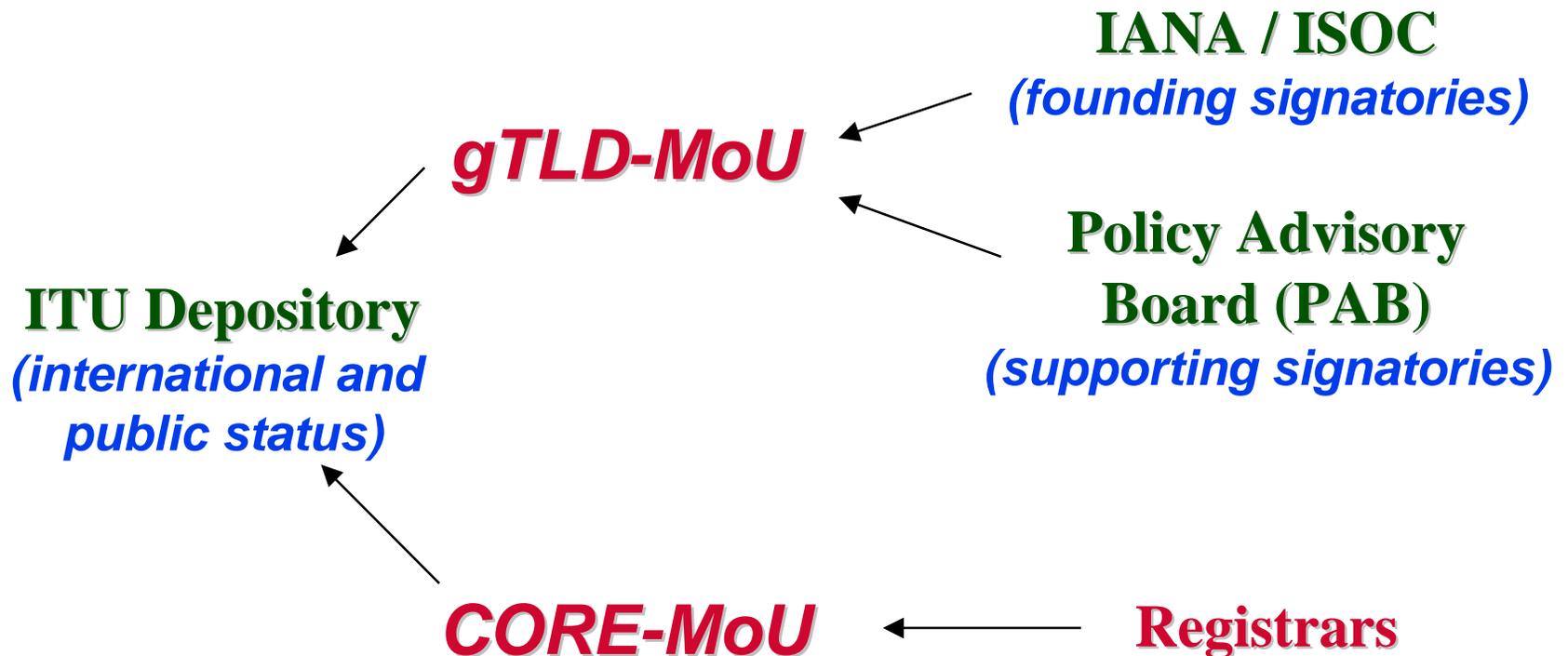
## ❖ Existing

- .net** emphasizing data networking
- .org** not-for-profit entities
- .com** commercial businesses or firms

## ❖ New

- .firm** businesses, or firms
- .store** businesses offering goods to purchase
- .web** entities emphasizing Web
- .arts** emphasizing culture and entertainment
- .rec** recreation & entertainment
- .info** providing information services
- .nom** individual or personal nomenclature

# The Structure



# *gTLD Public Responsiveness*

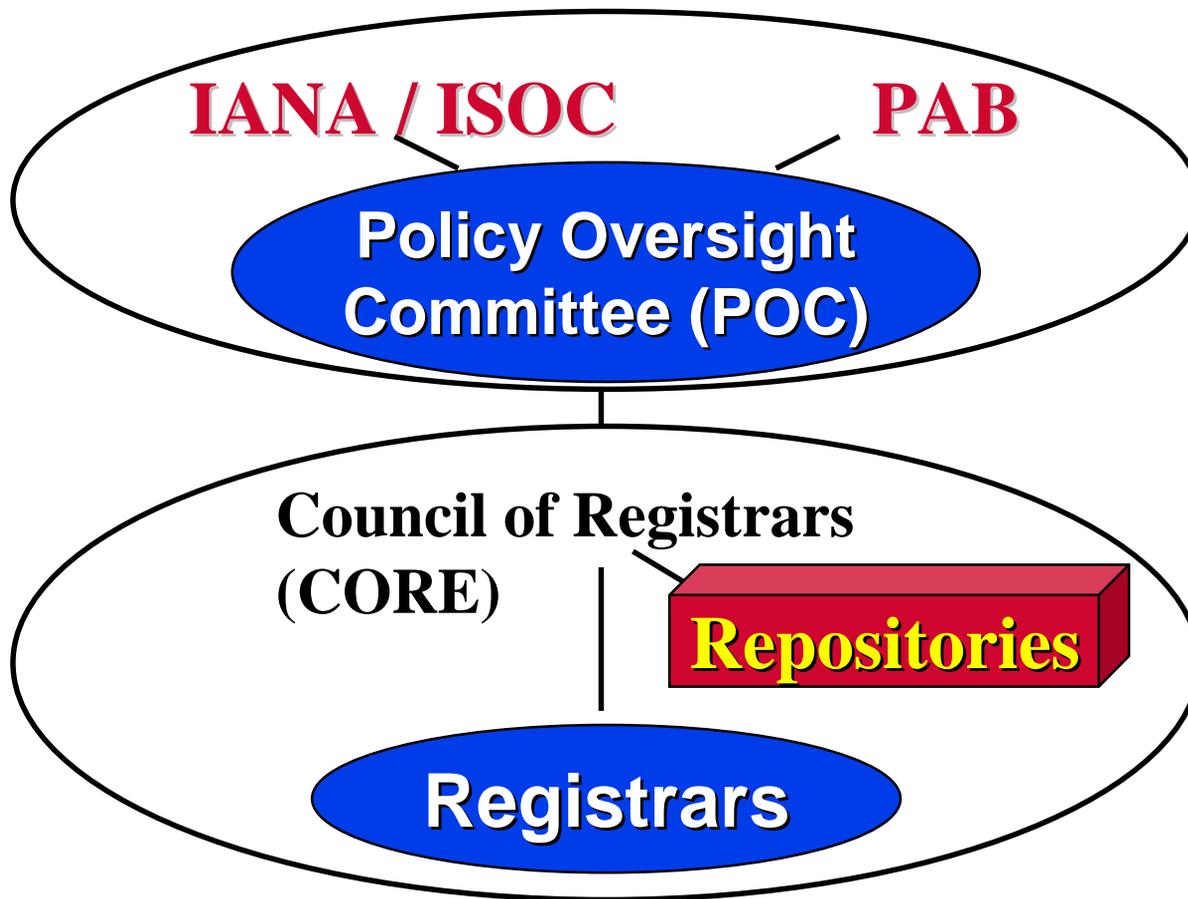
## ❖ So far:

- ❏ 60 day wait now voluntary
- ❏ Different geographic regions
- ❏ Single financial/etc. requirements, removing 2-tier scheme
- ❏ Eliminated registrar quota
- ❏ Eliminated lottery

## ❖ Current discussions

- ❏ PAB, ISP, other representation on POC

# Active Groups



**Public  
Trust  
Oversight**

**Business  
Operations**

# *Trademark problems*

- ❖ **Cybersquatting (warehousing of domain names that contain other's trademarks)**
- ❖ **Pirating (using a domain name which infringes another's trademark rights)**
- ❖ **Conflict of legitimate trademark rights**

# *More Trademark Problems*

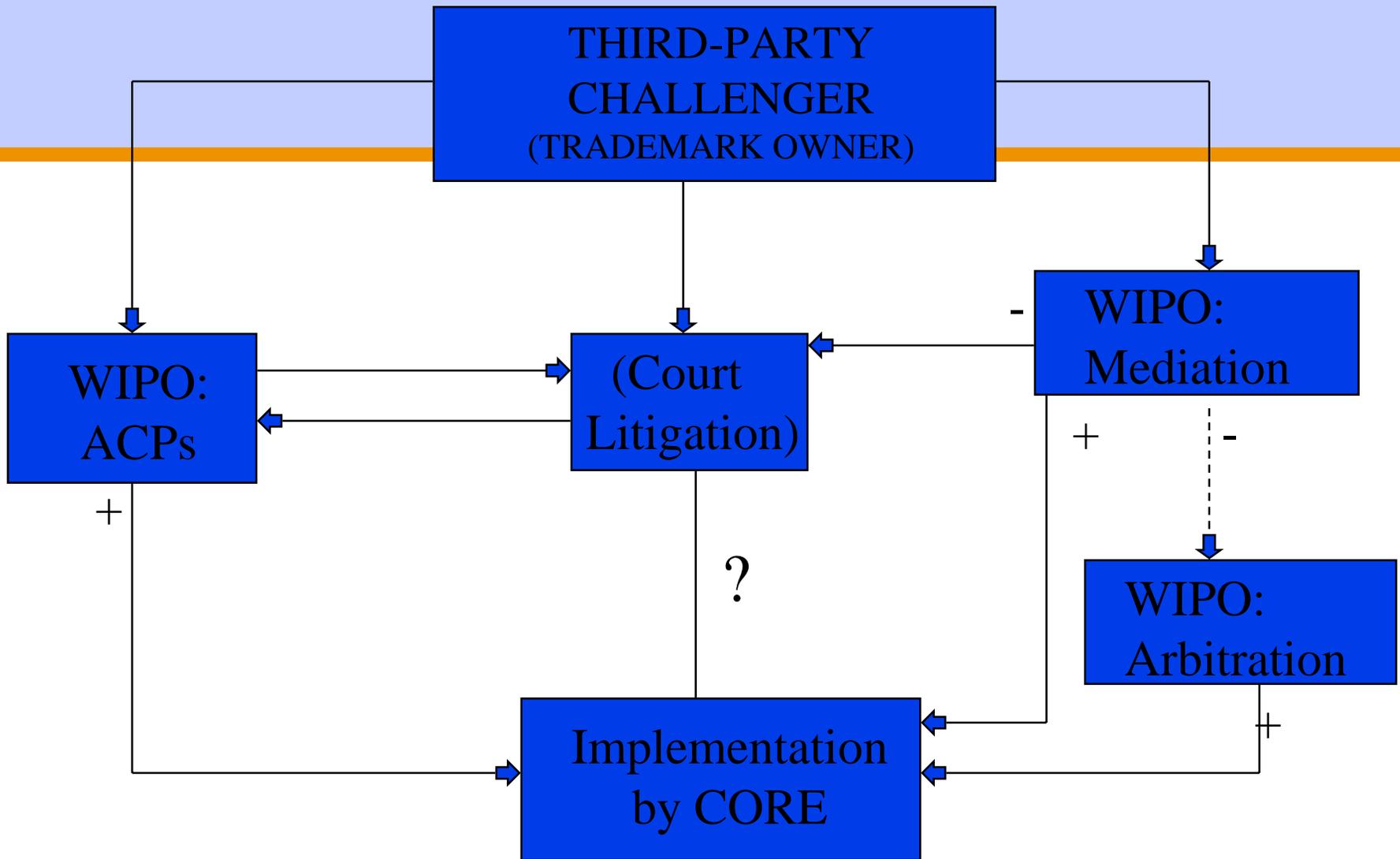
- ❖ **How to deal with trademark problems on the Internet until the international legal system catches up with global electronic commerce?**
- ❖ **ACPs are a temporary solution for trademarks while nations contemplate the best global legal solutions**

# *The gTLD-MoU*

## *Dispute Resolution Procedures*

- ❖ **International administrative procedures**
  - 📄 **On-Line Mediation, followed (unless declined) by Expedited On-Line Arbitration**
  - 📄 **ACPs: Administrative Challenge Panels**
- ❖ **Procedures administered by WIPO Arbitration and Mediation Center, Geneva, a private-sector service**

# Options for Challenger Under gTLD-MoU



# *Administrative Domain Name Challenge Panels (ACPs)*

- ❖ **Operating under the gTLD-MoU**
- ❖ **Having authority over second-level domain names in CORE-gTLDs, not persons**
- ❖ **Administrative, non-judicial bodies;**  
**they do not preclude resort to national courts**
- ❖ **\*Not\* intended to solve every type of dispute**

# *Panel Procedures*

- ❖ **Panels of one to three experts knowledgeable in trademarks \*and\* Internet**
- ❖ **WIPO staff may not serve on a panel**
- ❖ **On-line, except when parties want to meet**
- ❖ **Third parties may request to participate or comment**

# *Panel Procedures*

- ❖ **Suspension of the domain name if the challenge is lodged within 30 days of the publication of the registration**
- ❖ **Conclusion of procedures expedited**
- ❖ **Determinations made public**

# *Possible Determinations*

- ❖ **Exclusion**
- ❖ **Transfer**
- ❖ **Modification**
- ❖ **General exclusion**
- ❖ **Suggest mediation, arbitration or other dispute procedures**

# *Petitions*

- ❖ **Petition for Pro-Active General Exclusion**
- ❖ **Petition for Exception from Exclusion**
- ❖ **Petition for Modification or Cancellation of Exclusion**

# *Appeals*

- ❖ **Appeals panel of three persons**
- ❖ **Strict requirements**

# *Why ACPs are a Good Idea*

- ❖ **Administrative, not judicial;  
can co-exist with national courts**
- ❖ **International:  
solve difficult jurisdictional issues**
- ❖ **Directly implemented by  
central database operator**

# *Why ACPs are a Good Idea*

- ❖ **Fast, inexpensive, Internet-savvy and Internet-friendly (on-line)**
- ❖ **Public: every determination is published**
- ❖ **Evolutionary: system may be modified with PAB advice and public input**

# *NSI and eDNS*

- ❖ **Competing Monopolies**
  - 📄 **Rather than eliminate monopolies**
- ❖ **US-based**
  - 📄 **Ignores international issues**
- ❖ **No meaningful oversight**
  - 📄 **Don't view as public resource**

# *Status*

- ❖ **Started** **Oct 96**
- ❖ **Draft** **19 Dec 96**
- ❖ **Final Document** **4 Feb 97**
- ❖ **IANA & ISOC signed MoU** **7 Apr 97**  
**Approximately 160 supporting signatories, to date**
- ❖ **Formal signing @ Geneva** **1 May 97**

# *Timetable*

- ★ ❖ **Registrars applications**      **18 July - 16 Oct 97**
  - 📄 <http://www.gtld-mou.org/docs/reg-results.html>
  - 📄 **10 already selected**
- ❖ **Start of gDB work**      **1 Nov 97**
- ❖ **Start of new shared gTLDs**      **15 Jan 98**
- ❖ **End of NSI/NSF agreement**      **31 Mar 98**
- ❖ **Integration of com/net/org**
  - 📄 **All registrars now share all gTLDs**      **30 Sep 98**

# *Things I've learned*

- ❖ **Talking is easy**
  - 📄 **Listening is difficult**
- ❖ **Criticism is easy**
  - 📄 **Collaboration is difficult**
- ❖ **Small ideas are easy**
  - 📄 **Integrated systems are difficult**
- ❖ **Follow the money**
  - 📄 **And the power**
- ❖ **Responsible participation**
  - 📄 **Is difficult**
- ❖ **If you can't attack the content**
  - 📄 **Attack the process**
- ❖ **Greed is good**
  - 📄 **But try to show good taste**

# *Conclusions*

- ❖ **Operations pressure**
  - 📄 **DNS is working system, needing change**
- ❖ **gTLD MoU is a foundation for evolution**
- ❖ **Alternatives**
  - 📄 **Failed growth**
  - 📄 **Opportunistic power grabs and incomplete solutions**
- ❖ **More info: [www.gtld-mou.org](http://www.gtld-mou.org)**