The International Domain Name Update

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The main problems

- **Monopoly** control over registration
- **Collisions** in name choices
- **Infringement** of trademarks
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

IAHC  International Ad Hoc Committee (now iPOC)
Request  Internet Assigned Number Authority (IANA)
Initiative  Internet Society (ISOC)
Members  IANA, ISOC, IAB, INTA, ITU, WIPO, FNC/NSF
Public review  www.iahc.org, and iahc-discuss@iahc.org
  4K+ messages, 100 formal submissions
Schedule  Started 10/96; Draft 12/96; Final 2/97
  Operation by 3Q98
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-MoU
- ITU Depository *(international and public status)*
- CORE-MoU
- IANA / ISOC *(founding signatories)*
- Policy Advisory Board (PAB) *(supporting signatories)*
- Registrars
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

IANA / ISOC

Policy Oversight Committee (POC)

Council of Registrars (CORE)

Registrars

Repositories

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

THIRD-PARTY CHALLENGER (TRADEMARK OWNER)

WIPO: ACPs

(Court Litigation)

Implementation by CORE

WIPO: Mediation

WIPO: Arbitration
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
  - 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