

# New Generic Top-Level Domains: Development & Implementation



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# Topics

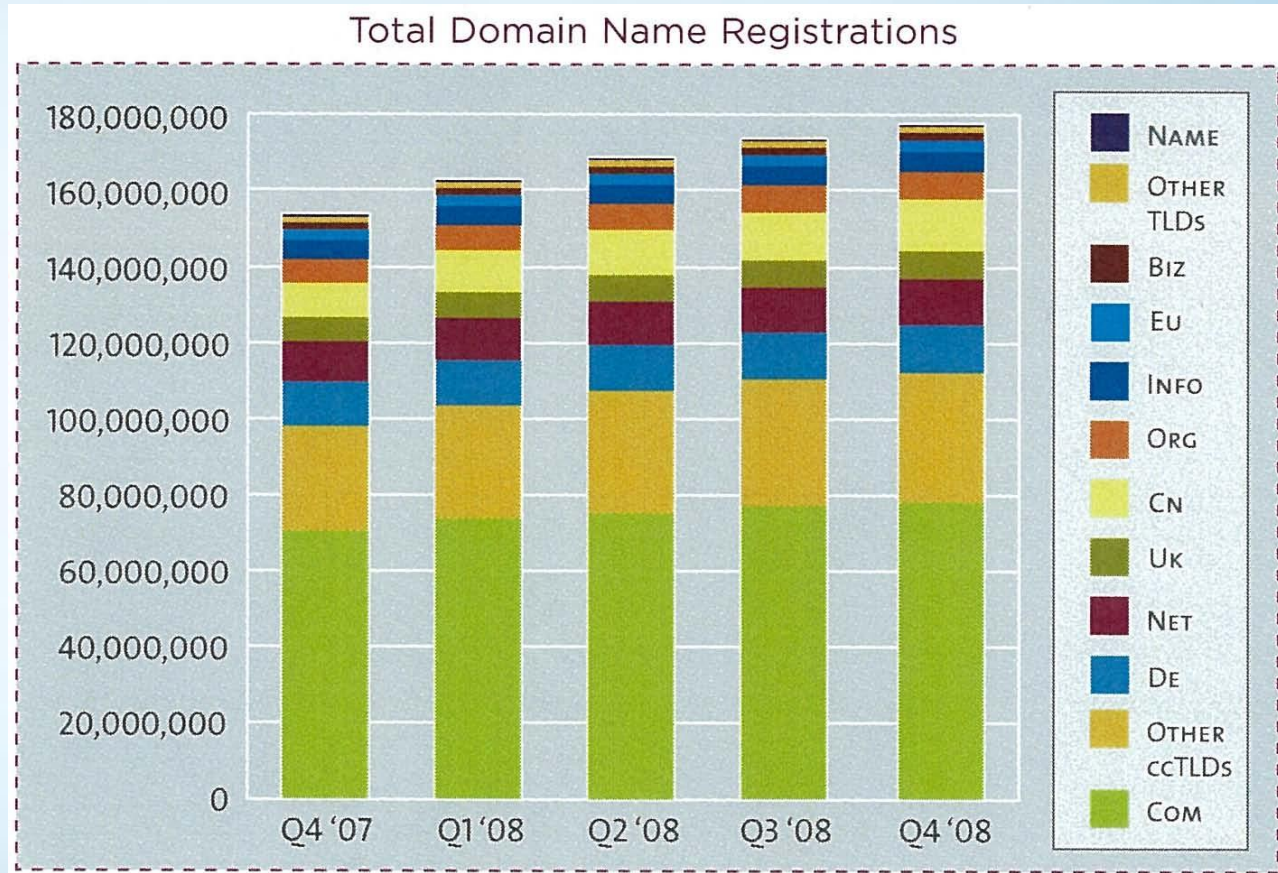
- ICANN's Role
- Introduction of New generic Top-Level Domains
  - History of gTLDs
  - Policy Process
  - Protection of Rights
  - Overarching Questions
- Internationalized Domain Names (IDNs)
- Dispute Resolution Needs
  - Providers
  - UDRP
  - Implementation Recommendation Team

# ICANN's Role

- Created in 1998 as international multi-stakeholder organization responsible for the technical management and coordination of the Internet's domain name system and its unique identifiers
- ICANN coordinates –
  - Internet Protocol address space allocation
  - Protocol identifier assignment
  - Generic and country code top-level domain name system management
  - Root server system management functions

# Snapshot of the domain name marketplace

- More than **177 million** domain names registered worldwide
- 21 gTLDs and 248 ccTLDs
- Users are demanding more



Source: VeriSign Domain Name Brief, February 2009

# Introduction of New generic Top-Level Domains

gTLDs

# Top-Level Domains

- There are presently 21 gTLDs in the root zone
- ICANN has agreements with 16
- There were seven that predate ICANN: .com, .edu, .gov, .int, .mil, .net, .org,
- Seven were added in a round starting in 2000: .aero, .biz, .coop, .info, .museum, .name, .pro
- Six were added in a round starting in 2004: .asia, .cat, .jobs, .mobi, .tel, .travel (one will be added: .post)
- The experiences derived from the delegation of these registries, and the input of experts and community members has informed the development of a new policy to guide the delegation of gTLDs

# Why New gTLDs?

- ICANN's Core Values:
  - #5 “Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment”
  - #6 “Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest”
- Global Internet community has expressed interest in having more options including IDNs
- No known technical limitations to introduce new gTLDs

# ICANN Policy Development Process

- Policy development process by ICANN's Generic Names Supporting Organization (GNSO) initiated Dec 2005, completed Sep 2007
- 19 recommendations to guide the process
- Policy recommends an objections-based process
- Process: application, formal objection period, dispute resolution process...result, applicant or objector prevails
- Recommendation 3: "Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law"



# Recommendation 3

- Legal standards from numerous international jurisdictions were considered.
- The scope of the standards were narrowed to trademark; other types of infringement (e.g., defamation) are not workable on a global level.
- The implementation vision is a set of factors to be considered and balanced by the dispute resolution provider. This standard provides considerably more detail than the UDRP, but seems appropriate given the stage of the controversy, i.e., the label is not yet in use.

# Standards: Protection of Rights

- Factors to be considered in determining infringement of rights:
  - Similar in appearance, phonetic sound or meaning to existing mark
  - Strength of mark
  - Proposed TLD is already being used as a mark
  - Similarity between string and portions of mark
  - Intent of the junior user's bad faith
  - Applicant rights or legitimate interest in TLD
  - Limited defenses enumerated

# Policy Conclusions

- New gTLDs will provide a DNS environment / infrastructure for communities; promote geographic diversity; permit market mechanisms to support useful online identities that permeate international markets and support competition, innovation and consumer choice
- The implementation plan should also allow for IDNs at the top level, and ideally implemented at the same time as new ASCII TLDs
- Introduction of new gTLDs should not cause security or stability issues
- Protection of various appropriate interests requires objection and dispute resolution processes

# Interests to be Protected in the Process

- Protection of intellectual property rights
- Protection of community interests:
  - Religious groups
  - Geographically based communities
  - Indigenous groups
- Morality & public order safeguards:
  - Interests of governments
  - Indigenous groups
- User confusion should be avoided: similar names

# Overarching Questions

1. How can the new gTLD program be implemented in a way that addresses legitimate concerns of brand owners; particularly, concerns about defensive second-level registrations at registry start-up time and during operations?
2. How can ICANN ensure that new gTLDs don't simply act as an amplifier for malicious behavior on the Internet?
3. What is the demonstrated demand for new gTLDs? What will the market impacts be?
4. What are the technical impacts of an expanded number of gTLDs, especially considered along with other planned changes to the root server system?

# Internationalized Domain Names

“IDNs”

# Internationalized Domain Names

- Domain Names with characters other than:
  - “a,b,c,...,z”
  - “0,1,2.....,9”
  - “\_”
- For example:
  - 例子.測試 [xn--g6w251d.xn--fsqu00a]

# How Do IDNs Fit Into New gTLD Process?

- IDNs have existed as Second-Level Domains since 2001
- The broader Internet community also wants IDN TLDs
  - IDN.IDN vs. IDN.TLD
- To the extent feasible, should be introduced at the same time as other new gTLDs
- Technical and allocation process implementation work underway to provide a **fully localized solution**
  - Technical standards under revision
  - New allocation processes under implementation



# Policy Processes Underway

## **Implementation: IDN ccTLDs Fast Track Process**

- Limited number of IDN ccTLDs in non-Latin script
- Don't wait for full ccNSO PDP

## **Policy development: IDN ccTLDs - Long Term**

- Full policy that covers all
- Follows the ccNSO PDP

## **Implementation: New Generic TLDs**

- New ongoing policy for new gTLDs
- Includes IDNs

# Dispute Resolution Needs

# What to expect in dispute resolution?

- Dispute Resolution in the Allocation Process
  - Objections based
- Three Dispute Resolution Providers Chosen:
  - The Arbitration and Mediation Center of the World Intellectual Property Organization (WIPO)
  - The International Chamber of Commerce (ICC)
  - The International Centre for Dispute Resolution (ICDR)
- Dispute Resolution at the second level
  - UDRP is expected to remain
- Intellectual Property Interests Want Additional Safeguards
  - Implementation Recommendation Team (IRT) formed to propose additional solutions for both the allocation and ongoing registration issues

# Implementation Recommendation Team Proposals

- Proposals in Preliminary Report posted on ICANN website for public comment until 24 May 2009:
  - IP Clearinghouse, Globally Protected Marks List and associated rights protection mechanisms, and standardized pre-launch rights protection mechanisms;
  - Uniform Rapid Suspension System (“URS”);
  - Post delegation dispute resolution mechanisms at the top level;
  - Whois requirements for new TLDs; and
  - Use of algorithm in string confusion review during initial evaluation.

# What are the next steps?

- New gTLD sessions will be held at the upcoming ICANN meeting in Sydney – 21-26 June
- Overarching issues discussions and program updates scheduled around the globe including:
  - London – 6 July
  - New York – 8-10 July (TBD)
  - Hong Kong – 20-24 July (TBD)
  - Abu-Dhabi – 2-6 August (TBD)
- Final Applicant Guidebook expected end of 2009
- New gTLD Applications starting in early 2010
- For this and more see:  
<http://www.icann.org/en/topics/new-gtld-program.htm>

**Thank You**

**[www.icann.org](http://www.icann.org)**