

# Minutes of the IPC Meeting held 24 June 2008

## Le Meridien Montparnasse Hotel, Paris, France

### Attendees:

Steve Metalitz
Kristina Rosette
J Scott Evans
Nick Wood
Jane Mutimear
Claudio Di Gangi
Stacey King
Paul McGrady
Nikolay Livadkin
Paul Keating
David Taylor
Severine Apois
Philip Corwin
Zbynek Loebl
Kelly Hardy
Ute Decker
Karen Lentz
Cedric Manara
Michele Bruniaux
Gaudi Olron
David El Sayegh
D Kindt
Bart Lieben
S Solares
Kristine Dorrain
Mohamed Camara

Nicolas Simonin
Mark Taylor
Anna Pulkiewicz
Stephen Kelley
Jonathan Cohen
Nathalie Dreyfus
Michel Berlovic
Cindy Mikul
Daniel Madden
Laetitia Arrault
Dan Warner
Melody Westerdal
Filipe Cabral
Mariana Mansilla
Julius Stubbs
James Talbot
John Rodriguez
Thomas Ricker
James Norton
Emmanuelle Petiit
Hanene Boujemi
Vicky Folens
Susan Kawaguchi
Nafaa Laribi
Charles Sha'ban

There were 6 others whose details on the Participant Sign-In sheet were illegible. Apologies for any mis-spellings above. Affiliations to be supplied later.

### **1 Introductions**

Steve Metalitz, President of the IPC welcomed attendees and assisted first time IPC attendees to orientate themselves by explaining the role of the IPC and where it sits within the ICANN organisational structure.

## **2 GNSO Reform**

Steve Metalitz introduced the topic of GNSO reform explaining the disadvantages to rights owners of the proposal before the Board which would diminish the voting rights of the IPC, drastically reducing our influence in tangible ways such as the choice of GNSO council member or the selection of representatives on Working Groups. The alternative “three legged stool” proposal created by the IPC working with the Business, ISP and Non-Commercial interests, and with the non-commercial constituency and At-Large Advisory Committee representatives, was discussed. The main advantage of this to ICANN was that it keeps private sector involvement at the heart of the ICANN process. Kristina Rosette pointed out that if the ICANN Board rejects this proposal, it may be that the IPC should dissolve and seek to reconstitute itself as an Advisory Group to the Board. Ute Decker pointed out that this was not in the power of the IPC and would require a by-law amendment.

It was agreed that J Scott Evans would chair a Committee on the Future of the IPC that would report back to the leadership of the IP on the options for the IPC. Its work will of course be affected by the decision of the Board on GNSO restructuring but regardless of the outcome there, the position of the IPC will significantly change under the “GNSO Improvements” plan. This Committee should consider the strategic options and legal requirements open to the IPC as a result of a change in the structure of the GNSO including the ramifications of dissolution, the issues around a merger with other GNSO constituencies and the possibilities of the creation of an Intellectual Property Advisory Committee. The Committee is to define a timeline for its report, which will be submitted to the IPC Council (voting members of IPC).

Volunteers to serve on this Committee on the Future included Paul McGrady and Julius Stubbs.

## **3 Contractual Compliance**

Stacey Burnette, Director of Contract Compliance at ICANN made a presentation on the work of her unit, updating the IPC on projects including:

- A UDRP Education Plan to assist registrars to understand their contractual obligations under the RAA and the UDRP
- A meeting with all UDRP providers to improve co-operation
- The creation of a UDRP Complaint site

- The production of a monthly Newsletter including compliance updates with statistics
- The issuing of an Inter-Registrar Transfer Policy Advisory
- A recruitment programme to fill new positions in the Compliance Department

Ms Burnette detailed the work of her unit with Red Register, following the issuing of a Breach Notice for UDRP non-compliance which resulted in the correct transfer of a stalled domain name. The Compliance Unit is considering whether to publish an Advisory Note for Registrars on the correct way to verify transfer requests as a result.

On the subject of Whois Data Projects, Ms Burnette announced that the WDPRS Investigation Audit was working on checking out all reports. She also indicated that the criteria for Whois accuracy need to be better defined and that public input may be sought on this.

There was a discussion on the obligations of Registrars under clause 3.7.7. 3 of the Registrar Accreditation Agreement to publish accurate whois details and the questions was asked by Kristina Rosette how a registrar could meet these obligations whilst maintaining a Whois Privacy service. Could the language of this clause be improved to be unambiguous? Ms. Burnette agreed it would be a good idea to have policy guidance on this provision and would like to work with IPC to that end. Doug Brent, ICANN COO, explained that he wanted every whois problem report to be reviewed so that he could have greater clarity of the real issues.

Paul Keating asked if ICANN would look at delays by WIPO in UDRP cases where consecutive suspension orders are issued. Ms Burnette suggested that he submit a complaint to her department.

Steve Metalitz thanked Ms. Burnette on behalf of IPC and welcomed the chance for us to collaborate with her going forward.

#### **4 Registrar Accreditation Agreement**

Kurt Pritz, ICANN Senior Vice President introduced Tim Cole, Chief Registrar Liaison Officer who gave an overview of 15 amendments to the RAA that had been negotiated with the Registrars and that are now posted for public comment. He pointed out that the end result represented a compromise in that the IPC's views in some areas had been incorporated into the proposed new RAA whilst others which might have impacted on the provision of Whois Privacy Services has not been included.

The issue of Whois Privacy services emerged again. J Scott Evans asked what weight had been given by ICANN to the public comments and Kristina Rosette pointed out that the language being used by ICANN in 3.7.7.3 legitimizes bad practice. Steve Metalitz asked whether the obligations on a registrar under 3.7.7.3 applied to all proxy and private registration service providers. Tim Cole replied that he felt this clause was "effective and full". Several IPC members commented to the effect that it was "No where near enough".

See the attached PDF for Tim Cole's full presentation.

J Scott Evans asked what weight had been given by ICANN to the public comments. Steve Metalitz commented that IPC's RAA revision task force would be asked to prepare draft comments on behalf of IPC.

## **5 Any Other Business**

Paul Keating asked if the IPC could follow up the booklet on Pre-Launch Rights Protection Mechanisms in the new gTLDs called "A Perfect Sunrise?" that had been launched immediately prior to the meeting with a more detailed Road Map of a Rights Protection Programme officially endorsed by the IPC that clients of his considering applying for a new gTLD might use. J Scott Evans pointed out that as there will be many different models of registry, a "One Size Fits All" approach is not possible or in the best interests of operators and that the RFP has yet to be published. Nick Wood suggested that the IPC might arrange a full day on the subject in conjunction with its member organizations, perhaps to be repeated in the USA and Europe and including some information on Post-Launch measures to protect the rights of others. Paul Keating welcomed the idea and said that a web cast would also be useful.

## **6 Close of Meeting**

Steve Metalitz closed the meeting expressing thanks to all attendees and the IPC Project Team that worked on the "A Perfect Sunrise?" booklet. He also singled out MARQUES whose sponsorship had paid for the booklet.

ENDS

Nick Wood for the IPC  
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