

ICANN | IPC

The Intellectual Property Constituency (IPC) appreciates the opportunity to comment on the “Competition, Consumer Trust, and Consumer Choice Review Team (CCT-RT) Accepted Recommendations – Plan for Implementation and Next Steps.”¹ The IPC understands that ICANN is seeking community input on the implementation plan for the six CCT-RT recommendations the Board resolved to accept. IPC notes its agreement with, and builds on, positions offered by the GNSO Business Constituency.

At the outset, the IPC sincerely thanks the CCT review team for its diligent work reviewing and advising the community on the impacts of the New gTLD Program on consumer choice, competition and consumer trust in the internet name space. However, IPC strongly encourages ICANN to ensure that it does not utilize the important opportunity that the CCT Review Team’s recommendations offer to simply maintain ICANN’s *status quo*. ICANN should reinforce its commitment to implementing the CCT Review Team’s consensus Implementation Plan and to improve its means of data collection to support the CCT Review Team’s Final Report and Recommendations.

The CCT Review Team proposed 35 recommendations, with six (6) accepted and the rest either qualified as “passing through the noted parts of the ICANN community Recommendations” and/or in “pending” status. The six recommendations accepted by the Board for implementation are listed below with the IPC comment immediately following each:

- **Recommendation 1** - Formalize and promote ongoing data collection.

IPC Comment: The IPC supports establishing a data functions model to facilitate and promote ongoing data collection but should coordinate with and build on other data collection-related recommendations.

- **Recommendation 17** - ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.

IPC Comment: IPC supports Rec 17 in concept, but notes that more information is required for assessment of this recommendation.

This recommendation is consistent with existing ICANN policies or already part of other ICANN processes, and IPC agrees that it is currently “pending” or “passed through to the noted parts of the community”

- **Recommendation 21** - Include more detailed information on the subject matter of complaints in ICANN publicly available compliance reports. Specifically, more precise data on the subject matter of complaints, particularly: (1) the class/type of abuse; (2) the gTLD that is target of the abuse; (3) the safeguard that is at risk; (4) an indication of whether complaints relate to the protection of sensitive health or financial information; (5) what type of contractual breach is being complained of; and (6) resolution status of the complaints, including action details. These details would assist future review teams in their assessment of these safeguards.

¹ <https://www.icann.org/public-comments/cct-rt-implementation-plan-2019-09-11-en>

IPC Comment: IPC supports the continued exploration of the impact of abuse and safeguards to curb abuse (including IP-related abuse) on the new gTLD program including through contractual negotiations with registries and registrars, improved public reporting through DAAR or other initiatives, enhanced user education, and the use of incentives

This recommendation is consistent with existing ICANN policies or already part of other ICANN processes

- **Recommendation 22** - Initiate engagement with relevant stakeholders to determine what best practices are being implemented to offer reasonable and appropriate security measures commensurate with the offering of services that involve the gathering of sensitive health and financial information. Such a discussion could include identifying what falls within the categories of “sensitive health and financial information” and what metrics could be used to measure compliance with this safeguard. ICANN organization High Recommendation 30 - Expand and improve outreach into the Global South.

IPC Comment: The IPC supports this recommendation and believes that collection of health and financial information is needed in many instances for the purposes of compliance. ICANN will need to ensure that its collection and use of, and measures that should be taken to protect, such data may appropriately vary.

- **Recommendation 31** - The ICANN organization to coordinate the pro bono assistance program.

IPC Comment: IPC appreciates the proposal to defer to the Subsequent Procedures Policy Development Process effort overall implementation plan for the next round of new gTLDs. We support Recommendation 31 and believe that its implementation should include education on and discouragement of harmful IP infringement as a key part of pro bono assistance.