

ICANN

VIRTUAL COMMUNITY FORUM

70

Registry Voluntary Commitments

Getting it Right

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Introduction

- ⊙ What is a Public Interest Commitment (PIC)?
- ⊙ The 2012 New gTLDs, PICs and the PICDRP
- ⊙ Applicability of PICs to the Legacy TLDs
- ⊙ Subsequent Procedures, Mandatory PICs, and Registry Voluntary Commitments (RVCs)
- ⊙ ICANN's 2016 Bylaw Revisions
- ⊙ Panel Discussion: What are the issues? Where do we go from here?

What is a Public Interest Commitment?

“Public Interest Commitments (PICs) are binding obligations generic top-level domain (gTLD) registry operators made to the Internet community and agreed to comply with in their contracts with the ICANN org. They are subject to compliance oversight and enforcement by ICANN org, including through a dispute resolution mechanism called the PICDRP which, in certain cases, utilizes an evaluation panel.”

Russ Weinstein, Sr. Director, gTLD Accounts & Services, Public Interest Commitment Dispute Resolution Procedure Improvements, ICANN Blogs, 17 December 2019

2012 New gTLDs, PICs and the PICDRP

- June 2012: ICANN posts 1930 New gTLD Applications for community review.
- Oct. 2012: ICANN45 (Toronto) GAC Communique advises ICANN Board that commitments made by Registries be transformed into binding contractual commitments subject to compliance oversight.
- Nov 2012: 250 applications receive “Early Warnings” from individual countries against 145 strings.
- Dec. 2012: Applicant responds as to if and how it will address Early Warnings.



Nothing in the 2012 Applicant Guidebook or in then existing Registry Agreement to address Early Warnings or other GAC concerns.

2012 New gTLDs, PICs and the PICDRP

Feb. 2013: ICANN releases draft version of Specification 11 containing several mandatory commitments and asks applicants whether they want to voluntarily commit to anything in addition to application to satisfy Early Warnings.

March 2013: ICANN finalizes Base Agreement Specification 11 containing (a) Mandatory PICs and (b) Voluntary PICs.

MANDATORY PICs

- Use of 2013 RAA Registrars
- Agreement to PICDRP
- Mandatory RRA provisions prohibiting certain activities.
- Technical Analysis on Security Threats
- Nondiscrimination / Transparency
- Cannot operate as Closed Generic
- Regulated / Sensitive Strings PICs

VOLUNTARY PICs (Examples)

- Additional Rights Protection Mechanisms
- Anti-Abuse Policy
- Abuse Mitigation commitments
- Child Protections
- Additional Geo Name protections

*Some voluntary PICs were temporary.
Registry states it could change.*

PICs In Registry Agreements in Last Few Years

Applicability of PICs to Pre-2012 TLDs



adopted all mandatory PICs in 2018

- .asia, .biz, .coop, .info, .museum, .org adopted all mandatory PICs
- .com / .name adopted 2 mandatory PICs from 2012 round (2020)
- .aero, .net, .pro, .tel, .travel, .xxx have not adopted PICs

Addition of new PICs in response to GAC Advice

- .amazon adopts additional PICs in response to GAC Advice and subsequent interactions with Amazon Cooperative Treaty Organization.
- proposed Voluntary PICs in request to assign .org to Ethos.
 - Viewed as controversial by a number of parties
 - Transaction did not close

Future: PICs and Registry Voluntary Commitments

Subsequent Procedures Final Report Recommends

- ✓ Adopts Mandatory PICs
- ✓ Provides potential exemptions for Brand / Single Registrant TLDs
- ✓ Adopts Mandatory PICs for Safeguards with respect to Sensitive / Regulated Strings
- ✓ ICANN must allow applicants to submit Registry Voluntary Commitments (New Term for Voluntary PICs) in their applications or to respond to Public Comment, objections (whether formal or informal), Early Warnings, GAC Consensus Advice and/or other comments from the GAC.
- ✓ RVCs shall be considered Application Changes and subject to Public Comment
- ✓ RVCs shall be included in Registry Agreement
- ✓ RVCs must be accessible in an organized, searchable online database

Enforcement of PICs / PICDRP

Ultimately ICANN Compliance is responsible for the oversight and enforcement of all the provisions contained in the Registry Agreement, including the commitments made in Specification 11.

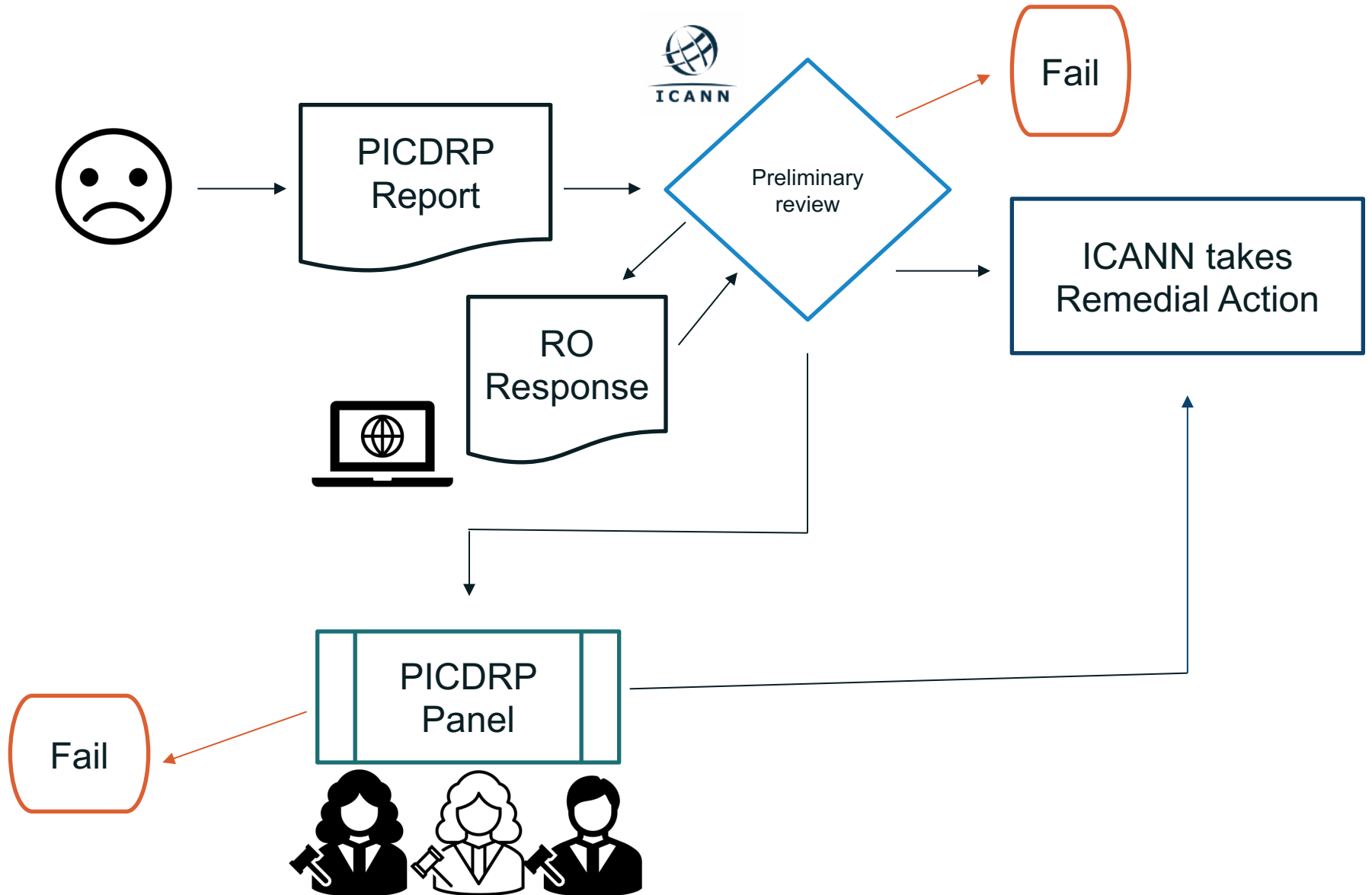
What is the PICDRP?

The PICDRP is a mechanism for third parties to report alleged non-compliance by a Registry Operator of the commitments made in Specification 11.

Who Can Bring a PICDRP?

Any person or entity that believes they have been harmed as a result of a Registry's act or omission in connection with the operation of its gTLD that is non-compliance with its PICs.

PICDRP Process



2016 Bylaw Provisions

Coordinates the allocation and assignment of names in the root zone of the DNS and coordinates the development and implementation of policies concerning the registration of second-level domain names in gTLDs.

... Policies for which uniform or coordinated resolution is reasonably necessary to facilitate the openness, interoperability, resilience, security and/or stability of the DNS.

ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet's unique identifiers or the content that such services carry or provide, outside the express scope

ICANN shall not act outside its Mission

Grandfathered:

Registry Agreement pre-October 2016 (mandatory PICs)

Any new agreements to the extent its terms do not vary materially from the form of Registry Agreement.

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