

Conflict Resolution Mechanisms in the Expansion of the Domain Name System Top Level

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Frank Fowlie



- ICANN Ombudsman Since 2004
- Wrote doctorate on Ombudsman evaluation
- Fellow of the NCTDR
- Canadian
- Chair of 7th ODR Forum

About ICANN

- Internet Corporation for Assigned Names and Numbers
- Administers the Domain Name System DNS
- .com. Net. .org etc (Top Level domains)
- .mobi asia .travel etc (sponsored TLD)
- .us .ca .uk etc
- New gTld expansion

More ICANN Info

- \$40 million budget based on domain names
- Around 100 staff and a team of consultants
- Head office in Marina del Rey
- Office in Brussels, Washington, and Sydney
- Staff in Canada, Mexico, Italy, Egypt, Bulgaria, Niger, Netherlands, France, Australia
- Staff represent about 20 countries and 29 languages

ICANN's Office of the Ombudsman

- Product of a reform movement
- First Ombudsman appointed Nov 1, 2004
- Executive Ombudsman scheme
 - In the organization but complaints from the outside
 - Investigates
 - Reports
 - Recommends

New gTLD's

- New Generic Top Level Domains
- In the same space as .com, .net, .org
- ICANN is investigating the expansion of the top level
- Likely in the next 6 – 8 months

So, what's a new gTLD?

- Some groups have already declared what they intend to ask for:
 - .sport
 - .eco
 - .newyork
 - .berlin
 - .gal etc

Key Benefits of New gTLDs

- To encourage and foster creativity, innovation, consumer choice, and competition in the domain name space
- Internationalized Domain Names (IDN) for a more globally and culturally inclusive internet
 - IDNs currently available only on second level
 - For example: 卫星电话.net

ICANN Formation and New gTLDs

- New gTLDs envisioned in founding of ICANN

The new corporation ultimately should . . . oversee Policy for determining the circumstances under which new TLDs are added to the root system (1998 White Paper)

- Mandate to foster choice and competition in providing domain registration services
 - A requirement of each MoU (1998–2006)
 - A requirement of the JPA (2006–2009)

Define and implement a predictable strategy for selecting new TLDs

What else?

- Proprietary business names
- Place names
- Cultural and or linguistic groups
- Communities, sport, culture, industry
- Us .odr, .ombudsman etc

Impacted by:

- Internationalized scripts being used
- Translations of IDN's
- Downturn in world economy
- Ideas and competition

DISPUTES AND DISPUTE MECHANISMS

4 Grounds for Objection

- Legal rights
- String confusion
- Morality and Public Order
- Community

Legal Rights Objection

- Protection of intellectual property and other pre-existing rights
- .joetheplumber
- .colatasteslikecrap
- .macdonalds

String Confusion Objection

- .com
- .con
- .cõm
- .calm
- .pepsi .pepsee
- Avoid user confusion

Morality and Public order

- Additional safeguards; interests of governments
- Still under study by ICANN and its stakeholders
- Some universals include: child abuse or pornography; violence, sedition or treason; inciting hatred; contrary to legal norms of public order

Community Objection

- Protection of community interests (e.g. geographically based, indigenous, religious organizations)
- Institutions within a community may file an objection
- .un .(religion) .bank .bank .(language)
 - .(region)

Service providers

- International Centre of Expertise – ICC
 - Public order and Community
- Arbitration and Mediation Centre WIPO
 - Legal Rights
- International Centre for Dispute Resolution
 - String

Mechanisms

- All disputes must be filed electronically with the provider
- 5000 word or 20 page maximum
- List of objections public
- Fee to be filed with the provider

Steps

- Administrative review – meet the criteria
- Consolidation of Objections
- Negotiation and mediation
- Expert Panel selected
- Adjudication
- Reporting

Applicant Guide Book

- <http://www.icann.org/en/topics/new-gtlds/comments-2-en.htm#expmem>
 - Module 3. Dispute Resolution Procedures

Questions?

Contact:

Frank Fowlie

• fowlie@icann.org

• 310-301-5826

• www.icannombudsman.org