
ICANN85 Mumbai | CF – Get to Know the ICANN Community: GNSO and IPC
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FERNANDA YUNES

Hello, and welcome to Get to Know the ICANN Community, GNSO and IPC. We'll be learning exactly what those acronyms mean in just a second. My name is Fernanda Yunes. I am a Participation Manager for the session. Please note that the session is being recorded and is governed by the ICANN Community Participant Code of Conduct, ICANN Expected Standards of Behavior, and the Community Anti-Harassment Policy.

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clearly at a moderate pace. And with that, I'll hand it over to Siranush.

SIRANUSH VARDANYAN

Thank you, Fernanda. So we are now going to learn about those SOs and ACs, advisory committees and supporting organizations. It's my pleasure to introduce our first supporting organization, the chair of GNSO, which is Generic Name Supporting Organization, Susan. We will start with Susan, and then we will move and talk about the IPC, and we will learn what IPC is then. Susan Payne, the floor is yours. Please.

SUSAN PAYNE

Okay. Thank you very much. Yes. So the Generic Name Supporting Organization, as Siranush just said, is one of ICANN's supporting organizations. We call it by the acronym GNSO, and I will probably use that acronym, but I will try not to use too many.

The GNSO is basically a group of stakeholders interested in generic top-level domains or gTLDs. I hope you know about these, but the generic top-level domain that you probably all have come across is .com. Originally, when ICANN was in its infancy, there were only a very small number of gTLDs, and then that space expanded a little bit by the launch of a few extra ones.

In 2012, ICANN ran what was called the New gTLD program, and the space was opened up significantly. After that 2012 program, there are around 1,500 gTLDs or generic top-level domains. The GNSO is

the group of stakeholders who are interested and involved in the policy that governs those gTLDs.

It's made up of, as I said, stakeholder groups. There are four stakeholder groups of the GNSO, and that could be broken down into contracted parties and non-contracted parties. Contracted parties are the groups of entities who actually have a contract with ICANN. They're the registry operators who have a contract with ICANN to run a registry, and then the registrar businesses who, again, have a contract with ICANN to be a registrar for those gTLD domain names.

Those are two of the stakeholder groups. Together, they form the Contracted Party House, but you don't need to remember all of this. On the other side, the non-contracted party house are basically entities who have an interest in the space and want to be involved in the governance of the gTLDs and the development of policy that addresses them, but they aren't contracted with ICANN for any reason. They stand outside of that contractual relationship.

Really that is firstly commercial interests that are gathered together into the Commercial Stakeholder Group. Within that, there are three constituencies. The Business Constituency, obviously as it suggests, is various businesses. Use of the internet and use of domain names is crucial now to business, and so it's important for business in the wider sense to have a voice in the space.

The second is the Intellectual Property Constituency, and John and David will talk about that particular constituency in a minute. The third one is the Internet Service Providers Constituency, who again are not contracted with ICANN, but they're fundamental to the operation of the internet, and policies that affect domain names have a potential to be very impactful on how their business operates. Those three groups together have been gathered together into a Commercial Stakeholder Group.

Balancing that, if you like, is the Non-Commercial Stakeholder Group. That is non-commercial users, not-for-profit organizations, civil society, and the like. Those interests are gathered into a Non-Commercial Stakeholder Group. Collectively, we sometimes talk about the commercial stakeholders and the non-commercial stakeholders collectively as being non-contracted parties because they're interested in the space, but they don't have this contractual relationship with ICANN.

The GNSO Council is a smaller subset of the GNSO. The Council is a group of individuals who are selected by their different stakeholder groups and constituencies to be a representative body. There are also a couple of appointments from the NomCom or Nominating Committee that also join that GNSO Council body. We meet monthly, and we have various meetings during an ICANN meeting in person.

Our sessions are open so that anyone can observe them, but when we have our monthly meetings and our formal council meeting,

they are mostly just open to observation rather than for non-council members to input. The exception to that would be during an in-person ICANN meeting where we usually would have an open mic session at the end of our GNSO Council meeting. At this ICANN 85, we will have our GNSO Council meeting on Wednesday afternoon, and it is in the schedule.

At the end of that session, we will include an open mic opportunity, which will be a chance for anyone who wants to ask us questions or to raise an issue relating to what the GNSO does if they would like to. But the role of the council is to manage the policy development process for the gTLD space. I'm going to just quickly jump ahead because I've decided I'll show you the structure first, and then I'll talk about the policy development process.

You'll see this slide again. It comes from the ICANN website. I said that it was a representative body and people were put onto the council by their underlying stakeholder groups and constituencies. This just shows you how the council is formed. We have those houses that I mentioned, the Contracted Party House, that's the registries and registrars, and each of them puts three people onto the council.

On the non-contracted party house side, we have six from each of the two stakeholder groups, so there's a balance between the numbers of both sides. Within the commercial side, those six people are broken down: two from business, two from intellectual property, and two from the ISPs. As I mentioned, the NomCom also

appoints a small number of additional representatives. Two of those representatives are voting, and they are notionally attached to the particular house. One for the contracted parties, one for the non-contracted.

There is an additional NomCom appointee who is very active and engaged, but they don't officially vote when we have a vote on anything where we need to pass a resolution. Some of the other advisory committees and supporting organizations of ICANN will also send official liaisons into the council as well. Most notably, the At-Large have a liaison, and so do the ccNSO, which is the Country Code Name Supporting Organization.

Within the council, we then elect every year a chair, and then there are two vice chairs, one vice chair appointed by each house. That's not a formal election, but sometimes within their house structures, there may be some kind of formal process to determine who would be the vice chair for the year. There are some complications around that about not having two people from the same group having two leadership roles, but that's a level of complication that we don't need to get into.

For this year, I'm the chair, and it happens that this is my last term on council, so I'm coming to the end of the maximum four years that I can do. At the end of this year, at the AGM in October, I will stop being the chair and I will actually stop being the councilor as well. There will be a new chair. Sometimes if the chair is appointed and they have more than a year left on their term, they might be a

chair for two years or perhaps three years, but it's still elected every year.

The vice chairs, I have Jennifer Chung, who is from the Registry Stakeholder Group, and Peter Akinremi, who comes from the Non-Commercial Stakeholder Group. Collectively, we work very much as a leadership team. As with all of ICANN, the operation is not top-down. We don't get to tell everyone what to do. We just manage the group and help try to ensure that meetings are orderly and that we have good agendas. We give correct time to everyone to have their say and try to determine, as a result of the discussions we've had, whether we've coalesced around a collective decision.

The GNSO Council's real role is around managing the policy development process or PDP. That's the policy development process for the generic top-level domain or gTLD space. What council will do is scope out whether there's an issue that maybe requires some policy development work. We work together to create a charter for the work, and we've been doing a lot of work trying to narrow down our charters and make our policy development processes more narrow and bite-sized in order to address some concerns from the past that PDPs were too big and took too long.

We've been doing quite a lot of work to make charters more closely defined and limited in issue. We'll receive, once the PDP is up and running, regular reports back from the PDP chair or from the council liaison that we will assign to the PDP to keep an eye on

what's going on. In due course, when the working group has done their deliberations and reached their preliminary decisions, they will produce what's called an initial report, and then that goes out for a public comment period where anyone in the community can submit written comments on any aspect of the document.

Ultimately, after reviewing the comments and discussing it further, the report gets finalized, and the final recommendations report is sent to council. Assuming we agree with it and we vote to adopt it, we'll then send it to the ICANN board for their own consideration and adoption. In the GNSO, we have what we call the Z diagram, which is a picture of the policy development process.

It is quite a long process, but quite a lot happens along that top arm of the Z before the PDP work has really started. There are lots of stages involved in gathering input, scoping the issue, and working out whether there's something that requires policy work. At the corner of that Z, council is agreeing that something needs to be done, and we'll vote to initiate the process. We'll form our working group and the group gets underway.

Down the bottom arm of the Z are the bits after the working group has finished, when it's come back to council, council's adopted the PDP, it goes to the board, and eventually gets to be implemented policy. We have at the moment two slash three live PDPs. We do have PDP work that has gone through our GNSO PDP process and is still in the course of being implemented, so it's not completely finalized.

In terms of work where we are actively developing the policy at the moment, we have two. One is on Latin script diacritics. It's quite a technical issue related to the principle of launching additional rounds of generic top-level domains. We had a detailed policy development process that took place to deal with how IDN or internationalized domain name variant script should be handled, both when you're determining what string could be a top-level domain and also at the second-level domain name point.

It became clear that there was a missing piece that the IDN PDP had not thought about Latin scripts, where there are sometimes diacritics or accented characters, but they aren't considered to be IDN variant scripts. There wasn't any policy that dealt with what we do if someone wants to apply for a word without the accent and then the same word with the accent, and what should the policy be for that?

The likelihood is that, based on just a visual interpretation, they would be considered too similar. You couldn't have them both coexist unless there is a policy that says they can coexist. If they're going to coexist, what should be the rules around that? This Latin Script Diacritics PDP is setting the rules for this. An example that caused this work to be kicked off is Quebec, the city in Canada. In the round of gTLD applications in 2012, Quebec applied for the non-diacritic term. They have a TLD for that, but they are quite keen to be able to also have the version with the accents.

The way the similarity rules would be applied at the moment, that wouldn't be possible unless we have this set of policy recommendations in place. That Latin script PDP is underway and moving pretty quickly. They have just finished the public comment on their initial report. In the Z, we are towards the latter half of the diagonal. They've had their public comment and are in the process of looking at the comment input they received and finalizing their recommendations. That group is meeting here in ICANN; they have two meetings, but they actually already met today on Saturday.

The other PDP that is live is called DNS Abuse PDP 1, and it's related to associated domain checks. That PDP is very early in the Z diagram. We have just formed the working group, so we're just at the top of the diagonal. A request has gone out for the various constituencies and stakeholder groups to submit some input. The working group is having its first meeting actually as we are sitting here now. They have another meeting later this afternoon and then two more on Monday.

The work of that group hopefully will proceed efficiently and promptly. The idea behind that PDP is that at the moment, if a registrar becomes aware that there is a maliciously registered domain name that is serving DNS abuse, they have an obligation under their contract to investigate when they receive a report. If they determine that's the case, the registrar is required to take appropriate action to mitigate the abuse.

What that appropriate action is is not absolutely specified, but it quite often might involve taking the domain name down because it's perpetrating a security threat, malware, or phishing. But there is no obligation on a registrar to look at what else is registered by the same entity that may also be doing the same thing. In these campaigns, they usually aren't related to just one domain name. There are usually hundreds or thousands of names registered in very short order that are all perpetrating the same security threat.

The idea of this PDP will be to work out the rules around how we have an obligation for registrars to do that kind of check to see what else they have on their books that maybe also should be investigated further to mitigate the threat it's bringing. That one is live, but it's just kicked off. We have also voted in council to commence the second PDP on DNS abuse, which is around putting some friction in place before new customers are given access to APIs, which would allow for more rapid registration of names.

We will commence that one at some point, but we have to do more work on the chartering. At the moment, because the first one has just kicked off, we are seeing how that one goes for a period of time, and then we'll have a discussion on when the right time is to start the work on the second PDP on abuse. Those are the live ones.

Generally, for the PDP, we are frequently making them what we call a representative model. This is again to try and address criticisms about PDPs being too broad and inefficient. Usually, the stakeholder groups and constituencies within the ICANN

ecosystem will put a certain designated number of representatives into those PDPs. The idea is that they should discuss, take instruction from their groups, and then bring that input into the PDP and serve as a representative.

We also realize that some people have not been appointed but are very interested in the topic, or maybe are not in a particular stakeholder group yet. We do also allow for observers. Generally speaking, the ones who are actively engaged and engaging on the mailing list will be the ones who are the designated representatives. We've found that that has helped make the work more efficient and hopefully easier to come to a consensus on recommendations.

The abuse PDP is running under that representative model. There are still public comment opportunities, so it's not the case that you cannot have any say. If you're very interested in a topic and you naturally align with one of the stakeholder groups, the encouragement would be to join so that you have the opportunity to be selected as a representative for future PDPs. I will stop there.

SIRANUSH VARDANYAN

Thank you, Susan. We can take one or two questions for Susan before we move. Yes, please. We'll take one from here and probably one from there.

TARUNA KAUR BAMRAH

Taruna Kaur Bamrah, NextGen, for the record here. My question is, how can GNSO gTLD UA policies better support multilingual users from rural places so that they are better digitally included in the area and spaces?

SUSAN PAYNE

It's not strictly a GNSO issue. It's much more of a pan-ICANN issue. There is a Universal Acceptance Steering Group, I think that's the right term. In one of our GNSO working sessions tomorrow, we actually are having Edmund Chung from that group come to speak to us about the work that they've been doing and some of their proposals for next steps. I don't know if you will have capacity to attend that session, but I think he will be with us at about 11:00 AM tomorrow morning, or the session will be recorded.

SIRANUSH VARDANYAN

Valeria, and then probably one more.

VALERIA FILENOVICH

Valeria Filenovich. I am the representative of the academic sphere, so all my questions may be devoted to this sphere. How could scientists or even universities be involved in the work of GNSO? And is there any opportunity for the academic community to take part in the PDP?

SUSAN PAYNE

Depending on your area of interest, there may be different places within the ICANN environment where you would naturally fit. One area might be in the Non-Commercial Stakeholder Group, where academics are definitely members. If you were an intellectual property specialist, you might gravitate towards the IPC.

Those who are in academia but are involved in technical aspects sometimes participate in an SSAC, or Security and Stability Advisory Council. It's not one that one joins; it's more about making contacts and being invited. But that's another area of potential participation. Under our bylaws, there are also provisions about where the GNSO feels that an issue requires input from experts. We have the ability under our operating procedures to seek expert input if it seems appropriate. That may be another avenue, depending on the subject matter and the group in question.

SIRANUSH VARDANYAN

Thank you, Susan. And yes, one more and then probably at the end.

[BARUN]

Hello, Ms. Susan, I'm [Barun], I'm NextGen. I would like to know about the process, and please correct me if I'm wrong. Basically, the community of people can suggest, can be observers and stuff. But how about the enforcement? When it has already become a policy and is being implemented, how can the community still be involved for the enforcement of that policy?

That is first. Also, I know that ICANN is pushing really hard to make sure that every single group can be represented. But even for me as an Indonesian, we have more than 700 languages. There is ethnicity and tribes. Even as an Indonesian and a Sundanese, I cannot really represent people from Papua because it's a different kind of representation group. Is there any mechanism, blueprint, or plan for ICANN to involve these kinds of things, maybe with AI? I would like to hear some insights. Thank you.

SUSAN PAYNE

I don't know if I can answer the second part. On the enforcement, I'll mention two aspects. One is more related to the GNSO, which I'll do first. At a certain period of time after a PDP has been implemented and has been operating, usually between two and five years, the GNSO will ask ICANN staff to do what we call a Policy Status Report, or PSR.

We'll look at how the PDP has been operating and whether any issues are surfacing. As a council, we will look at that PSR and take it back to our groups to have a conversation about whether we need to make any changes. It is not exactly enforcement, but there is an oversight down the line where we check in and make sure it's doing what it's meant to.

In terms of the enforcement itself, if the PDP has imposed obligations on one or both of the contracted parties, which is generally what a PDP would do, then ICANN has a compliance department. It is their responsibility to deal with compliance and

ensure the contracted party is doing what the policy has told them to do. There are mechanisms to submit complaints to ICANN compliance. Anyone can submit a complaint to ask them to investigate and look into something. I'm really not sure I can answer the second question, but I'm hoping you can ask it to someone else, like when the At-Large Advisory Committee comes in.

SIRANUSH VARDANYAN

Yes. So probably the second part of your question will be for our next session, which we will talk with the At-Large Advisory Committee. But Susan, thank you very much for being here. You have seen the chart about GNSO structure and contracted and non-contracted houses. We will move forward to learn about Non-Contracted Party House members. One of the next presenters and the group here is the Intellectual Property Constituency, and I know that many of you are lawyers and interested in this area. It's my pleasure to introduce John and David, who are the representatives from IPC, and will tell us what they are doing and how we can get engaged. John, the floor is yours.

JOHN MCELWAINE

Awesome. Thank you, Siranush. I'm John Mcelwaine. I'm the president of the IPC, and joining me is David Hughes, who's the vice president. We're pleased to be here and hopefully can cover this quickly and take questions from you.

It is sensitive. Who are we? The IPC is really a group of fun and interesting individuals. Clearly leaders in the community, the ICANN community that is, and we fall into a bunch of different categories. We have everybody from my colleague David here, who is with a coalition or a large international association, like the International Trademark Association. David, why don't you tell a little bit about COA?

DAVID HUGHES

My name is David Hughes, and I'm the executive director of a group called the Coalition for Online Accountability. We have an acronym just like everybody else, COA. We call ourselves COA. My member companies are basically the major motion picture studios that you might be familiar with, like Disney, NBC Universal, Paramount, and Sony Pictures, and their trade organization.

Also, we have the major record companies: Sony Music, Universal Music, Warner Music, and their trade organization, RIAA, my former employer actually. We also have the trade organization for the game companies, the ESA, which includes PlayStation, Xbox, Nintendo, and so on. We have some other members, but those are our core members. Clearly, intellectual property is their business, whether it's music, movies, games, or in some cases, other related IP.

We represent their concerns. Of course, most of the business now for the music industry and more and more for the motion picture and gaming industries is on the internet. So, how the DNS works

impacts their business very much. We're core members of the IPC, and that's what we do. Along with our members, we have some others that represent other areas of IP, although there is quite a bit of crossover.

One of my members is the Walt Disney Company. In addition to the intellectual property in their music or movies, they also care about their trademarks. It's all in here, and that's who I represent. That gives you some idea of part of it, and then on the other side, maybe you can talk about the others.

JOHN MCELWAINE

We also have businesses like Susan's employer, Cum Laude, and then individual attorneys like myself and Simon in back of me. It really runs the gamut from individual lawyers all the way up to large international associations and coalitions. The one unifying factor is that we all have an interest in protecting intellectual property, particularly when it intersects with the domain name system, the DNS.

We try to get policies implemented, passed, and adopted at ICANN that impact people's intellectual property. As David said, it's usually going to be on the trademark and copyright side. As I mentioned, we participate in the ICANN meetings held three times a year. We elect counselors to the GNSO Council, like Susan, who has now elevated herself to being a great counselor to the chair of the GNSO Council.

We engage in working groups. You've heard some talk about the different policy tracks, and you heard Susan explain the different policy work that was going on. We will put our members into those groups to work on those policies and maybe sometimes even lead those groups. A lot of times, if we're not actively involved in something, we will be putting in comments as well.

When a policy is at an almost final form, it will be put out for comment, and we'll provide detailed writing talking about our opinion on those policies. We'll also advocate for intellectual property rights by sending letters and doing other in-person meetings at ICANN events. We'll collaborate with other stakeholders and be involved in selecting a representative to the ICANN NomCom, which helps choose not just board members, but other members of, for instance, the At-Large Advisory Committee. We're heavily involved. David?

DAVID HUGHES

We do coordinate quite closely, particularly with some of the others. We're back to our favorite diagram here. You can see on the right-hand side in the Non-Contracted Party House, in the middle, is the IPC. We have the Business Constituency, the BC, for example, or the ISP, and we coordinate quite closely with them.

In many cases, we share the same concerns, such as the impact that abuse on the DNS has on our businesses. This is not necessarily

even IP related. In some cases, it could be at a higher level. We coordinate a lot with the other people in that box.

JOHN MCELWAINE

Backing up here, I think it's good to talk about some of the key issues for the Intellectual Property Constituency. One of our main focuses right now is dealing with access to domain name registration data. It used to be called the WHOIS system, where you could look up who owned a domain name, who the admin contact was, and so on.

As many of you know, that went dark after the GDPR was enacted in Europe. We are trying to work on getting better access to registration data. We were instrumental in the RDRS, Registration Data Request Service or System. We get so used to these acronyms, we don't even know what they stand for.

That's one. Again, access to registration data, making sure that it is accurate and reliable, so when you do make a request, you get information that you can use to contact the registrant.

DAVID HUGHES

Maybe give them an example of why you need that data.

JOHN MCELWAINE

Okay. One of our focuses is on DNS abuse. When you're representing brands, you're going to run into situations where a domain name has been registered that is cybersquatting or

infringing on a business's trademarks. You may find a situation where a website is selling counterfeit goods, is actually a counterfeit website, or perhaps is showing unlicensed Walt Disney movies.

You need to get in touch with the operator of that website or at least the owner of the domain name to deal with that situation for your clients. That's one of the reasons why we would be using the WHOIS system or the RDRS system to try to get access to that information. Another area we're focused on is what we call rights protection mechanisms.

If there is a dispute over the ownership of a domain name, there's a policy called the Uniform Domain-Name Dispute-Resolution Policy, the UDRP. You can utilize that to try to recover that domain name. When the community launched new top-level domains, there was also a uniform rapid suspension and a Trademark Clearinghouse. These are all rights protection mechanisms that IPC members helped create along with the community. We are actively involved in making sure those are improved upon and stay in the policy.

I kind of covered DNS abuse, but right now there are a few work streams going on at ICANN concerning domain name abuse. That's a fairly narrow definition, but we are working as a community to put into place policies that will enable anyone, consumers, intellectual property attorneys, law enforcement, or anyone injured by domain name abuse, to do something about that. We're

doing that through policies like the affiliated domain checks that Susan spoke about.

Lastly, we're focused on the new round of top-level domains. You're probably hearing about this meeting because the window will be opening in April to take applications for new top-level domains. I'll just cover this briefly, but this is an example of the research we're engaged in and the type of homework we do to advocate for certain policies. We'll look at what reports are out there establishing DNS abuse and then make those arguments to try to develop policy to help alleviate these concerns.

DAVID HUGHES

I think the one in the middle is a good example. If you look at the second bullet point on the bottom line, if you saw the domain name microsoftupdate.net, it's reasonable to assume that's an official Microsoft website, but it's not. How do we deal with that kind of abuse and misrepresentation? This helps you start to think of some of the problems that have to be dealt with.

JOHN MCELWAINE

David and Susan kind of stole my thunder on these slides, but I'll cover it briefly. The IPC is one of the constituencies within the Commercial Stakeholder Group. As you saw on our now famous slide, the Commercial Stakeholder Group is on the left; it includes the Business Constituency, Intellectual Property Constituency, and the Internet Service Providers Constituency.

We're also in the same house with the non-commercial stakeholders. Together, we make policy at the GNSO Council, which Susan is now leading. It's a good way to put together these policies, having the Intellectual Property Constituency aligned with other commercial stakeholders rather than just all being thrown together randomly.

If you'd like to join the IPC, we've got a QR code you can scan that will take you to our application page. There are probably some questions judging from the earlier ones, so David and I are happy to take questions.

SIRANUSH VARDANYAN

Thank you. We have a couple of questions coming from our virtual participants, so I will start with them. The first person is originally from Mongolia but living in the Czech Republic. Her question is, how can smaller internet communities like ours participate more effectively in the GNSO policy development process?

I can combine that with the next one to both of you. During the new gTLD expansion, we saw brand-operated domains such as .app operated by Google and .apple operated by Apple, showing how companies use DNS for digital identity. At the same time, cases like .amazon, where governments raised concerns through the Governmental Advisory Committee, showed how applications can intersect with geographic or public interest issues. From the

perspective of GNSO and the IPC, what were the key lessons learned from managing these competing interests?

JOHN MCELWAINE

I'll take a shot at that. I think the key lesson learned was clarity. There were some proposals where any small creek running through the back of an UNIDENTIFIED SPEAKER area of South Carolina, where I'm from, could have been considered a geographic name that could potentially conflict with a new gTLD application.

The real issue is needing to have a clear understanding of what is trying to be protected and then having a list so there are no surprises. These new gTLD applications are not inexpensive, and as an applicant, you want to have a clear view of what you're going to be able to get registered and what problems you might run into.

SIRANUSH VARDANYAN

Thank you. We have a question over here. Please go ahead, Rowan.

ROWAN SASTEVA

Thank you. My name is Rowan Sasteva, and I work for .au Domain Administration, but I speak in my personal capacity right now. Every day we deal with a lot of registrars with DNS abuse issues. A lot of times we encounter IP issues where somebody else is using a name.

We have a certain set of allocation tools on how you can satisfy that you are using it for its intended purpose, but my understanding is

that's not universal. How does it operate on a global level where different countries have different rules on how they can register domains? Can we have a global standard about it, given that WIPO and other big organizations have international obligations? Thank you.

JOHN MCELWAINE

The UDRP is a good example of an international standard for when a domain name would be considered infringing on a trademark owner's rights. The whole purpose of ICANN is really to try to not have fragmentation and to keep different countries' laws from interfering with the global reach of the internet.

It is why we try to come together and do this policy work on DNS abuse or a well-established policy like the UDRP, where we have come together as a world community to come up with a standard for when a domain name would be considered infringing.

SUSAN PAYNE

I think it is also worth remembering that there are these two different types of top-level domains. There are the gTLDs, the generic top-level domains, and those are the ones that ICANN is in control of and sets the policy for. We have a standard policy applicable to all of them insofar as we can, subject to local law requirements.

The ccTLDs, or country code TLDs, are sovereign. They aren't managed by ICANN. The policies created in ICANN don't govern

because they are effectively run by their own governments, and they set what they think the policies should be. There are a number of areas where many of them align. UDRP is a brilliant example because many ccTLDs have voluntarily adopted the UDRP as a dispute process for trademark disputes, or they've adopted their own dispute process that is very similar to the UDRP. Ultimately, there are differences across ccTLDs because they are sovereign properties.

SIRANUSH VARDANYAN

Thank you. Jorge, and then...

JORGE ESQUIVEL

Good afternoon. Jorge from Mexico, ICANN 85 fellow. I'm working in academia at a university in Mexico, and we are integrating the UA curricula in Mexico. We are helping other universities in Latin America to do the same thing. This curricula is very technical and integrating it with engineers often leads to more questions than answers.

From the perspective of GNSO and IPC, how important is it to integrate curricula from UA and governance of the internet from the social science and policy perspective, rather than just the technical way? How important is it for you?

JOHN MCELWAINE

That aspect, coming up with curricula and educational information and getting that out to the world, is something we should do a

better job with. You'll often hear educational components being part of our policy process or our implementation, such as educational pieces for the new gTLD program or for some of the new rights protection mechanisms.

We should do a better job at it, but there is a definite track record of the community coming together and doing an intentional job of getting information out to the impacted public.

JORGE ESQUIVEL

Thank you.

SIRANUSH VARDANYAN

Please go ahead. Yes, you.

UNIDENTIFIED SPEAKER

Hello, everyone. Thanks for sharing. I have two questions for the IPC because I have a legal background and IPC is going to be my zone. My question will be focusing on the interactions between IPCs.

SIRANUSH VARDANYAN

If you can please slow down so our interpreters can do it properly. Thank you.

UNIDENTIFIED SPEAKER

Sorry, I'm just too excited. I want to know about the interactions between WIPO, the local courts, the IPC, and the arbitration centers

around the world. They all have different jurisdictions toward intellectual property issues, and I wonder how they interact and how they deal with domain name-related intellectual property issues.

The second part of my question focuses on trademark regulations. Policies are usually very regional, as different countries have different kinds of registration processes, principles, and regulations. However, for the domain name system policies, they have a global impact. How do you deal with the mismatch between local policies on trademarks and the global impact of the domain name system policy?

JOHN MCELWAINE

On the first part of your question, the IPC doesn't directly do any advocacy work or policy-type work with WIPO and the other arbitration forums for domain name disputes. That being said, we do informally communicate with them. In fact, we had a representative from WIPO presenting for us today, and we have another new member who is a member of the arbitration group.

We do speak and get educational materials from those groups, but they operate independently and we don't get involved in their day-to-day work. With respect to the second question, I don't really see the differences in what it takes to get trademark protection in certain jurisdictions as a mismatch.

We're not really worried about that at the IPC level or even at the ICANN level. I think what we're concerned about is whether you have a trademark. A good example of how that comes together is in the rules and regulations for the Trademark Clearinghouse. That is where we took a general view of what it takes to have a trademark and how it can be protected throughout the ICANN policy sphere.

SIRANUSH VARDANYAN

Thank you. If we don't have time to take more questions, can I request you to tell us when the GNSO Council and when the IPC members are having their own meetings so people can be aware?

JOHN MCELWAINE

The IPC is Monday at 10:45 AM in Room 206A and B.

SIRANUSH VARDANYAN

The IPC is meeting on Monday right after the welcome ceremony, so those who are interested to learn more about how the membership group is coming together and what they are discussing can go and join. And the GNSO Council?

SUSAN PAYNE

The GNSO Council has working sessions tomorrow, Sunday. They're the first two sessions in the morning, basically the whole morning. Then we will meet with the Governmental Advisory

Committee just after lunch, followed by another session, and then we will go back into our third working session at 3:00 PM tomorrow.

We have pretty much a whole day of meetings. That's not our formal council meeting, which we have monthly to pass resolutions and make decisions, but it's more of a discussion forum. Those meetings are open to observers, and anyone can come to them.

SIRANUSH VARDANYAN

Tomorrow the newcomers will be busy with learning about other communities. What about the rest of the week?

SUSAN PAYNE

They will also be recorded should you have interest. Our regular monthly council meeting that we will have in person is on Wednesday at 1:15 PM for about two hours. It will be just next door.

SIRANUSH VARDANYAN

Do we have any sessions during the Constituency Day on Tuesday, maybe the meeting with the board?

SUSAN PAYNE

The meeting with the board.

SIRANUSH VARDANYAN

Please go check the schedule. I'm sure GNSO has the meeting with the board.

SUSAN PAYNE

We do, but...

SIRANUSH VARDANYAN

Yes, I'm sure you do. So on Tuesday, which is called Constituency Day, each community and constituency you learn about will have their own sessions. Make sure you go and participate, observe what's going on, what they discuss, and how you can contribute to those discussions.

SUSAN PAYNE

John has kindly helped me out. It is Wednesday morning that we will meet with the board, the board and the GNSO Council, at 10:30 AM.

SIRANUSH VARDANYAN

Thank you. And with that, let me thank my presenters today. On behalf of our group, a round of applause for our presenters. Thank you very much. I know you always come to talk to newcomers with great pleasure, and it's always lovely to see you back here again.

SUSAN PAYNE

Thank you for having us.

SIRANUSH VARDANYAN

Thank you. And with that, this meeting is adjourned. Thank you very much. Can we stop the recording, please?

[END OF TRANSCRIPTION]