



# ICANN Update: What Next for Trademark Owners?

*22<sup>nd</sup> Annual Fordham Int'l IP Law &  
Policy Conference*

*25 April 2014*

# Myths, Misconceptions & Misinformation about the Recent US Government Announcement ...

- *It's not an "IANA Transition" ...*
  - It's the US Government transitioning its **stewardship** over the IANA function
  - IANA functions are performed by ICANN under a contract with the US Government (expiring September 2015)
  - IANA functions are essentially technical/administrative, involving entries and changes to the domain name system root zone and related protocols and parameters
  - US Government's role largely clerical and limited to process checking on ICANN's performance

## NUMBER RESOURCES

A key IANA function is the global coordination of the Internet Protocol addressing systems, commonly known as IP Addresses. There are two types of IP addresses in active use:

IPv4

192.0.2.53

IPv6

2001:db8:582::ae33

The allocation of blocks of AS numbers to Regional Internet Registries (RIRs) is another part of this function. AS numbers are used to identify the networks that control their own routing by connecting to multiple networks controlled by other organizations.

The allocation of IP addresses and AS numbers to RIRs are made according to global policies. The five RIRs, each of which serves a continental region, establish consensus-based global policies.



- ARIN
- LACNIC
- AFRINIC
- RIPE NCC
- APNIC

### Regional Internet Registries (RIRs)

Non-profit corporations that administer and register IP address space numbers within a defined region.

## PROTOCOL ASSIGNMENTS



The Protocol Parameters management function involves maintaining many of the codes and numbers used in Internet protocols. This is done in coordination with the IETF.

# THE IANA FUNCTIONS

## NTIA



ICANN currently performs the IANA functions on behalf of the global Internet community under a contract from the United States' Department of Commerce.

NTIA, an agency of the Department of Commerce, performs a process check before authorizing changes to the DNS's authoritative root zone file.

## ACRONYM CHEAT SHEET

- IANA: Internet Assigned Numbers Authority
- ICANN: Internet Corporation for Assigned Names and Numbers
- IETF: Internet Engineering Task Force
- NTIA: National Telecommunications and Information Administration
- DNS: Domain Name System
- DNSSEC: Domain Name System Security Extensions
- AS number: Autonomous System Number
- TLD: Top-Level Domain

## DOMAIN NAMES



Maintaining the Root Zone Database is a key IANA function. It contains the authoritative record of all the TLDs.



Part of that function is processing routine updates for TLD operators, as well as adding new TLDs into the root of the DNS.



The Root DNS Key Signing Key allows people to verify DNS answers from the root zone. DNSSEC is critical to the security of the Internet.

### WHAT IS DNSSEC?

DNSSEC is a technology that digitally "signs" DNS answers so you can know they are valid. To be sure of an answer's validity, a digital signature is needed at each stage in the hierarchy from the root zone to the final domain name (e.g., www.icann.org). DNSSEC does not encrypt DNS queries or answers. It lets you know whether a DNS answer is valid.

- ***It's not being transitioned to ICANN or to another government (or group of governments)***
  - NTIA stated that transition is to the *“global multi-stakeholder community”*
  - ICANN's role is to convene global stakeholders to develop the transition proposal, as a first step
  - NTIA has publicly said that US Government *“will not accept a proposal that replaces its role with a government or inter-governmental organization”*

## US Government has enunciated four Principles to guide the transition process:

- Support & enhance the multi-stakeholder model
- Maintain security, stability & resiliency of the DNS
- Meet needs & expectations of global IANA customers
- Maintain openness of the Internet

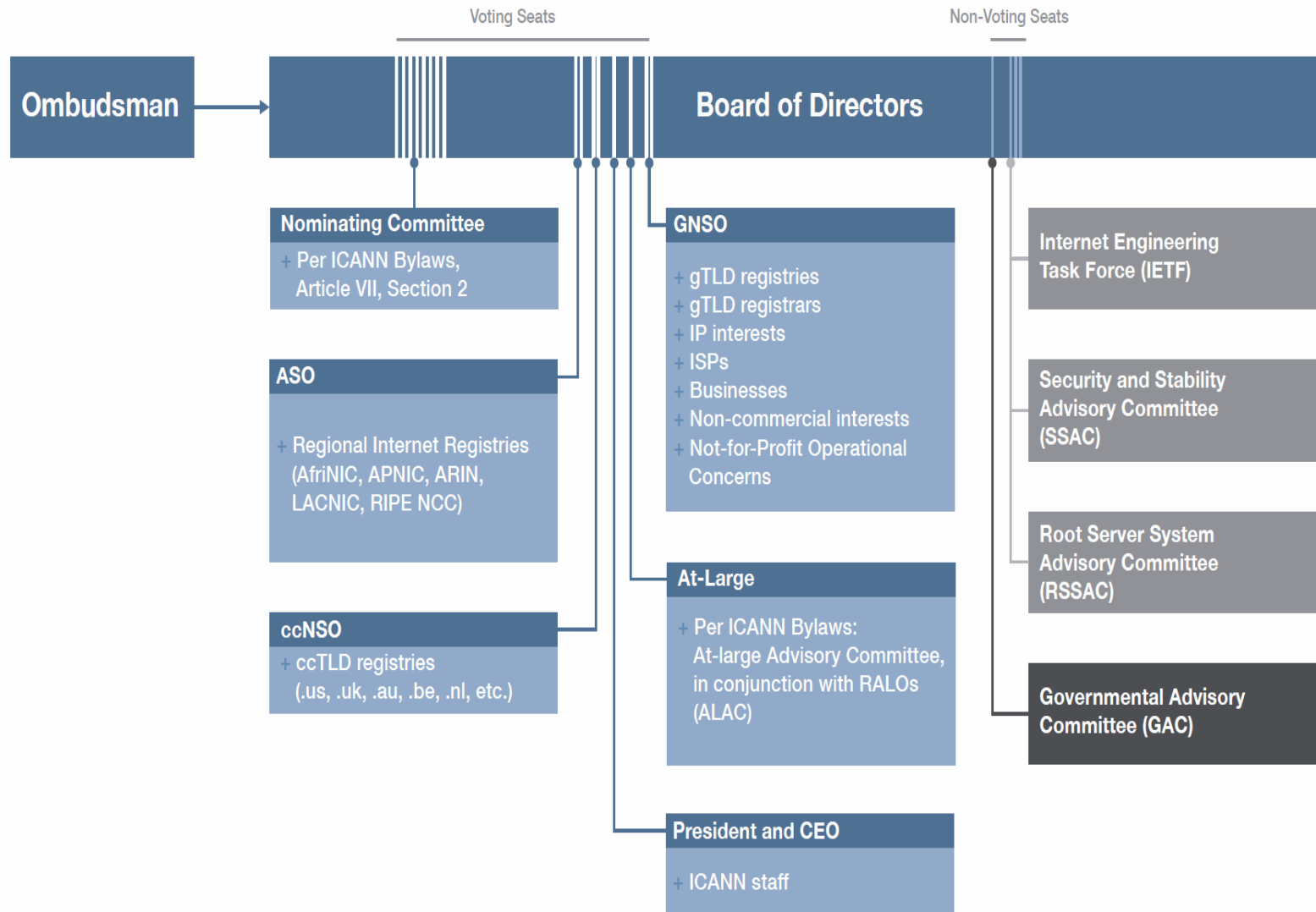
September 2015 not necessarily the deadline to be met – more important to get it right

US Government will continue to participate at ICANN e.g. actively on the Governmental Advisory Committee and through the Affirmation of Commitments

# So what does this mean for TM & other IP rights holders?

- **ICANN's relationship with US Government has changed over the years – from the Joint Project Agreement to non-contractual Affirmation of Commitments (2009)**
  - *Under AoC, ICANN commits to principles of accountability and transparency*
  - *Subject to regular review by the community*
- **ICANN already operates under a global multi-stakeholder model**
  - *Bottom up, consensus-based policy development*
  - *IP owners well represented, including expressly in the Generic Top Level Domain (gTLD) Supporting Organization*





# How can IP interests participate in the ICANN multi-stakeholder model of policy development? What work is ICANN doing that impacts these interests?

- **Reviewing all the IP rights protection mechanisms, including the longstanding Uniform Dispute Resolution Policy (UDR) and the new Uniform Rapid Suspension (URS) system**
  - *Issue Report to be published in spring 2015*
- **Developing a new Whois system and related improvements**
  - *Proposed new “next generation” gTLD Registration Directory Service to replace outdated Whois system (final report expected in late 2014)*
  - *Creation of an accreditation program for privacy & proxy service providers (to be completed before end-2016)*
- **Evaluating lessons learned from the New gTLD Program**
  - *Before launch of the next round ...*



# A Whois lookup example ...

Domain Name: FORDHAMIPINSTITUTE.COM  
Registrar: ENOM, INC.  
Registrar IANA ID: 48  
Registrant Name: HUGH HANSEN  
Registrant Organization: FORDHAM IP LAW  
INSTITUTE  
Registrant Street: 140 W. 62 STREET  
Registrant City: NEW YORK  
Registrant State/Province: NY  
Registrant Postal Code: 10023  
Registrant Country: US  
Registrant Phone: +1.2126366854

```
Registrant:
SOUTHWORTH ← Actual registrant
ATTN PAPERLOGIC.COM
care of Network Solutions
PO Box 459
Drums, PA. US 18222 ← Privacy

Domain Name: PAPERLOGIC.COM

Administrative Contact, Technical Contact:
SOUTHWORTH
ATTN PAPERLOGIC.COM
care of Network Solutions
PO Box 459
Drums, PA 18222
US
570-708-8780
pj22q7tp826@networksolutio
```

# New gTLD Program Statistics

1930 total number of applications received

911  
North America

675  
Europe

24  
South America

17  
Africa

303  
Asia Pacific



# Status of the New gTLD Program (between Nov 2013 & March 2014)



Objections Completed



Contracting  
Invitations Issued



CIR Responses  
Received



Registry  
Agreements Signed



Pre-Delegation  
Testing Passed



New gTLDs Delegated

## Additional Background & Useful Links

- NTIA information on IANA stewardship transition:  
<http://www.ntia.doc.gov/other-publication/2014/myths-and-facts-ntia-announcement-intent-transition-key-internet-domain-name->
- ICANN website: <https://new.icann.org/>
- GNSO website: <http://gnso.icann.org/en/>
- FAQ on the proposed new RDS:  
<http://www.icann.org/en/groups/other/gtld-directory-services/faqs>
- Information on the New gTLD Program:  
<http://newgtlds.icann.org/en/>
- List of delegated new gTLDs:  
<http://newgtlds.icann.org/en/program-status/delegated-strings>

Thank you!

## QUESTIONS/DISCUSSION

*Mary Wong*

*Senior Policy Director, ICANN*

[mary.wong@icann.org](mailto:mary.wong@icann.org)