

To: "Roache-Turner, David" <david.roacheturner@wipo.int>, "Shatan, Gregory S." <GShatan@ReedSmith.com>, "Claudia MACMASTER TAMARIT" <MACMASTER@iso.org>, "gnso-igo-ingo@icann.org" <gnso-igo-ingo@icann.org>
 Subject: RE: [gnso-igo-ingo] RE: Objective Criteria Shortlist
 CC: "Thomas Rickert (rickert@anwaelte.de)" <rickert@anwaelte.de>, "Berry Cobb (mail@berrycobb.com)" <mail@berrycobb.com>, "Jim Bikoff (jbikoff@sbgdc.com)" <jbikoff@sbgdc.com>, "David Heasley (dheasley@sbgdc.com)" <dheasley@sbgdc.com>, "Kiran Malancharuvil (kmalancharuvil@sbgdc.com)"

A few replies embedded

At 24/01/2013 06:00 AM, Roache-Turner, David wrote:

Thanks for that helpful clarification Alan.

I think one key word here is 'could'.

Someone masquerading, for example, as a non-profit UDRP dispute resolution provider (WIPO) could also do significant harm (e.g. issuing fraudulent decisions depriving registrants of their domain names), as could someone masquerading as, for example, an IGO providing coordination of global postal services (UPU), or of treaty-based international security (NATO), or of support for international development (World Bank), or of global financial and monetary stability (IMF), or of economic cooperation (OECD), or of world health (WHO), or indeed any other IGO engaged in the important provision of such public services.

Indeed if someone could really masquerade as one of those there may be real harm done. But in all of those cases, the parties dealing with those entities are not novices who will likely be taken in and go so far as to deal with the fake entity. At least at present, in most cases, their web sites are not their main means of interacting with their "customer" base.

There are some, however, where that is not the case, and those are the ones that I believe (perhaps not shared by you or others) that we need to focus on.

Could it really be that the legally protected names and acronyms of such IGOs, and by extension the security and stability of their work, could somehow be regarded by ICANN policy makers as less worthy of preventive protection against significant harm that could result from someone masquerading as that entity, than ICANN's own name, especially in a massively expanded DNS?

I don't think it is a question of comparing the two. ICANN is bound by its Aol and Bylaws to protect the fabric of the Internet. By this WG that we are participating in, ICANN is in the process of judging what protections need to be given to the type of organizations you reference.

Could it really be, for example, that the inclusion of a body such as the ISTF (presumably the Internet Societal Task Force) on the reserve list could somehow be regarded as more critical to network security and stability than a body such as NATO, or somehow more worthy of ICANN preventive protection than IGOs whose legal protection of their names and acronyms is there precisely to preclude others masquerading under their names and acronyms?

Regarding ISTF, I don't have a clue why that is still there. Unless some new entity (other than the Internet Societal Task Force) has taken on that acronym, the ISTF was killed 11 years ago (I was one of those on the Internet Society Board when the action was taken).

I would really suggest that we not go anywhere near a discussion of whether NATO (an IGO composed of some countries but specifically not many others) is critical to the stability of the Internet.

In any event, to the extent that consideration of harm would even continue to be a relevant part of our deliberations on IGO protection (noting the UPU's earlier, IGO-supported comments on this aspect of the work plan), I think our imposing an evidentiary benchmark any higher than that which was apparently used for ICANN's own name ("could" result) would be disproportionate. It is also notable that the ICANN Board resolution on IGO preventive protection via the reserve list includes no requirement for any demonstration of harm in order for an IGO to qualify, nor does the GAC advice on IGOs, harm's prevention being the relevant goal, not its identification as a prerequisite.

I will not pretend to speak on behalf of the Board, but my understanding is that they took a simple implementable action which would protect, on an interim basis, most if not all of the names that this PDP might end up protecting to ensure that IF we recommend protection, the names not be registered by others in the interim. That Board action, unless the Board explicitly overrides any of our forthcoming recommendations, is very much a placeholder and not a formal long-term decision of the Board (unless we fail to make any recommendations!).

Alan

With best regards,

David Roache-Turner

From: Alan Greenberg [alan.greenberg@mcgill.ca]
Sent: Wednesday, 23 January 2013 6:23 PM
To: Roache-Turner, David; Shatan, Gregory S.; 'Claudia MACMASTER TAMARIT'; gnso-igo-ingo@icann.org
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Subject: Re: [gnso-igo-ingo] RE: Objective Criteria Shortlist

I cannot speak to the rationale for the protection of geographic names, but my understanding of the protection to the ICANN and Internet-related names stems from the ICANN Articles of Incorporation and Bylaw requirement to protect the stability and security of the Internet name and number system, and that someone masquerading as one of the authorities of this

infrastructure could do significant harm.

Alan

At 23/01/2013 11:02 AM, Roache-Turner, David wrote:

Was such evidence of actual harm to ICANN's own names, or the geographical ones, called for in order to qualify for preventive protection on the reserve list, that being the option currently contemplated by the Board? Is not the risk of such harm so obviously inherent in the introduction of infinite numbers of new names enough to protect the institutionalized public interests involved?

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