

March 21, 2014

Hot Topics to Follow During ICANN 49 in Singapore

The 49th international Internet Corporation for Assigned Names and Numbers (ICANN) meeting is imminent—unofficially kicking off on Friday, March 21, 2014, and concluding on Thursday March 27, 2014. This will mark the first time that the multistakeholder community will convene in Singapore since the New gTLD Applicant Guidebook was approved there by the ICANN Board on June 24, 2011.

The multistakeholder community remains characteristically abuzz with news and developments heading into this meeting, including as to the following major areas of interest and development that will be important to monitor during the meeting.

- **Governmental Advisory Committee (GAC) Safeguard Advice on Highly Regulated Strings.** GAC representatives have asked that ICANN require registries to verify and validate domain name registrants' credentials indicating participation in certain professional or regulated sectors, such as .DOCTOR and .BANK.
- **Governmental Advice on Specification 11.** The US National Telecommunications and Information Administration (NTIA) and ICANN recently exchanged correspondence regarding the adequacy of Specification 11 within the new gTLD registry agreement, in requiring registries to [“avoid granting any undue preference to any particular party or subjecting potential registrants to any undue disadvantage.”](#) (Letter from NTIA Administrator Lawrence E. Strickling to ICANN Chairman of the Board Stephen D. Crocker, February 4, 2014).
- **Domain Name Collision Mitigation.** ICANN recently published a [draft report on mitigating the risk of namespace collisions](#), which has new gTLD applicants concerned about potential launch delays.
- **String Confusion Objection Review.** ICANN also recently published its proposed [framework principles for review of string confusion objections](#). The framework focused narrowly on perceived inconsistencies in the .CAR(S) and .CAM/.COM contention sets. All other determinations were specifically excluded.
- **Registry Qualified Launch Program.** Presently, registry operators are contractually permitted to register up to 100 domain names to themselves for promotional and technical purposes. However, the [qualified launch program](#) would allow registry operators to register some or all 100 domain names to third parties—such as founders agreement partners—prior to trademark sunrise registration periods, provided that the string does not match any label in the trademark clearinghouse.
- **Specification 13.** On March 14, 2014, ICANN published a final draft of [Specification 13](#) to the registry agreement that would provide limited accommodations to dot brand registry operators. The final draft will be submitted to the ICANN Board for approval at ICANN 49, and approval of Specification 13 will remove the final remaining obstacle for many dot brand applicants who have a limited amount of time remaining to negotiate a registry agreement with ICANN.

For more information, or if you have any questions, please contact your Katten Muchin Rosenman LLP attorney or any of the following members of Katten's [Intellectual Property Practice](#).

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- **Internet Governance and Accountability Mechanisms.** Leading up to ICANN 49, ICANN Chief Executive Officer Fadi Chehadé addressed the community and attempted to distill three key themes for the meeting, namely: ICANN globalization, the second Accountability and Transparency Review Team (ATRT2) and so-called strategic planning. “[F]rankly, I am hoping with your help that we don’t end up having another meeting for a whole week consumed by issues of Internet governance,” he stated.

Chehadé’s hope that Internet governance issues do not dominate ICANN 49 seems much less likely now with the March 14, 2014 announcement by the NTIA regarding its “[intent to transition key Internet domain name functions to the global multistakeholder community](#),” namely its present responsibility in “administering changes to the authoritative root zone file—the database containing the lists of names and addresses of all top-level domains.” In short, although the Internet Assigned Numbers Authority (IANA) contract between the NTIA and ICANN—as well as the root zone management agreement between the NTIA and Verisign, Inc.—will both soon end, it appears as though the *status quo* will remain, pending the development of a “transition plan” by the global ICANN community. We are now one step closer to important shifts in Internet governance that will directly impact both contracted parties and brand owners who rely on the Internet to support their organizations.

This high-level advisory is intended to provide unique insight into the major areas of impact and interest for brands and new gTLD applicants that will all receive attention at ICANN 49. We welcome the opportunity to discuss with you the ways in which we might structure or refine coverage of and advocacy at ICANN 49 in order to focus in on key issues or stakeholder groups. If you would like to discuss any of these subjects in detail, or if you would like assistance with ICANN advocacy or monitoring, please contact Brian Winterfeldt at brian.winterfeldt@kattenlaw.com.

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