

Intellectual Property Interests Constituency Meeting (IPC)  
Date: Tuesday, 27 October 2009 - 14:30 - 16:30  
Location: Lotte Hotel, Athenee Room, Seoul, REPUBLIC OF KOREA

### **2:30 Call to Order, Introductions, Approval of Agenda, Appointment of Scribe**

Following introductions, Steve Metalitz, IPC President, called the meeting to order & welcomed the attendees. Claudio DiGangi volunteered to scribe.

### **2:45 ICANN Contract Compliance Team Presentations**

The Compliance Staff led by Director David Giza, presented on ICANN compliance activities, as per the following:

- a. Enforcement Activity (Jan - Oct 2009)
  1. 16 RAA terminations and non-renewals
    - A. 9 Terminations
    - B. 7 Non-renewals
  2. 184 Breach Notices transmitted
  3. 4, 290 Enforcement actions
  4. 9,304 Consumer complaints
- b. Planned Compliance audits in 2010:
  1. Primary Contact Information
  2. Public Contact Information
  3. Non-Implementation of UDRP Arbitration Panel Decisions
  4. ITRP
  5. Registrar Data Escrow Audit
  6. Whois related
- c. Compliance Initiatives in 2010:
  1. Enforcement Actions
    - A. Identify and pursue non-compliant registrars
    - B. Use enforcement tools in RAA
    - C. Increase breach, non-renewal and termination notices
  2. Audits (see above)
  3. Research – complete Whois Accuracy work
- d. Update on Whois Data Accuracy study
  1. Is registrant's address deliverable?
  2. Can registrant name be linked with the address?
  3. When contacted, does registrant verify/acknowledge ownership of domain name?

Preliminary finding:  
51% meet all three criteria

80% meet 2 of 3 criteria  
5% meet none of criteria

- e. Update on Privacy/Proxy Registration Services study  
Preliminary results: 580, or about 24.7% of the 2346 domain names analyzed, appear to have been registered using a privacy or proxy service  
Reminder: this is currently open for public comment.
- f. Registrar Data Escrow Obligations
  1. On-boarding obligations (98%)
  2. On-going obligations (just getting started)
    - A. Make scheduled deposits
    - B. Ensure data meet specs/formatConsequences for Non-Compliance
  3. Non-compliance = Breach of RAA Section 3.6  
Consequences  
Escalated compliance actions  
Suspension (if new RAA), non-renewal or termination  
ICANN may publish list of non-compliant registrars

### **3:15 Updates from UDRP providers on recent developments**

CAC and WIPO provided an update on proposed changes to UDRP implementation rules.

- A. Status: proposals have been discussed with ICANN legal staff. Next step will be to go through the public comment process.
- B. WIPO presentation
  1. Statistics on recent UDRP developments (high rate of defaults)
  2. Description of WIPO eUDRP Initiative
  3. Description of WIPO Fast Track UDRP Options

### **3:30 Next steps on the New gTLD program – IPC role**

Most of the ICANN Board was present for this portion of the meeting.

IPC has a group of volunteers developing comments on DAG3. IPC has previously submitted extensive comments on the DAG, and coordinated the formation of the Implementation Recommendation Team (IRT).

A presentation by J. Scott Evans was made on proposed rights protection mechanisms (RPMs) developed by the Implementation Recommendation Team (IRT). This led to numerous questions from Board members, mostly on implementation issues related to two of the IRT proposals: an IP Clearinghouse and a Uniform Rapid Suspension (URS) system.

Following the presentation, Mr. Evans reiterated the IPC's willingness and desire to consult with the Board on the trademark and consumer protection issues.

A Board member expressed optimism that consensus might be reached in the current GNSO process that is underway, and that the Board will eventually need to make a determination on the trademark protection issues. Several Board members thanked the IPC for proposing constructive solutions to the overarching issues in the DAG, and welcomed the IPC's ongoing contributions to the process.

The Board members were thanked for their attendance and participation.

#### **4:25 Closing. Remarks by outgoing and incoming IPC presidents**

In closing, J. Scott Evans thanked Steve Metalitz on behalf of the entire constituency for his time, energy, and outstanding leadership over the past several years in serving as President of the IPC.

Two of IPC's outgoing GNSO Council Representatives (Ute Decker, and Cyril Chua) were also thanked for their efforts on the Council, as was current Council Rep. Kristina Rosette and incoming Rep. David Taylor.

Steve Metalitz expressed his thanks and wished good luck to J. Scott Evans and the other incoming IPC representatives who would begin their roles following the Seoul meeting.