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#### **40. Edition of the ICANN meetings**

The first edition of 2011 ICANN meetings held in the city of San Francisco, between 13 and 18 March at the opening session was drawn to the recent allocation of IPv4 address blocks to the RIR's, as advertised in last February. A week of work focused on issues such as security, stability and resilience of the DNS, DNSSEC, whois, and the new gTLD's, this time without any expectation of closing an already long process. The opening session of the 40th. Th edition of the ICANN meetings was also attended by the "father" of the Internet, Vint Cerf, three years on the expiry of his term as chairman of the board of ICANN. This was followed by presentations by government representatives of the U.S., where he excelled and the National Telecommunicaions Administraton - one of the entities that signed the AoC with the ICANN -. The common message was the importance of maintaining the model "multi stakeholder" / participated defended by ICANN and the community need to engage in seeking joint solutions to issues like Internet privacy, cyber-security and protection of industrial property rights .

Of different threads in a discussion of the most critical was the abuse of the DNS.The relevance of the discussion on this matter is due not only to his own nature, but also the actors involved that go beyond the registries and registrars extending to the end consumers, the criminal police bodies and, ultimately, to their national governments involved.

Against this backdrop, representatives from industry (Microsoft) Interpol (188 countries members of the National Central Bureau) and the U.S. Federal Bureau of

Investigation showed the latest developments in this regard and the implications of possible measures to combat crime through DNS, either identity theft, breach of copyright or intellectual property, and fraudulent conduct as might be designated the "botnets". This area, were presented statistical data on the impact that some of these criminal actions today have on the DNS: today it is estimated that 500,000 domains are registered with the purpose of simply generate spam, and 40% are registered under. Info; in May 2009 were sentenced in the U.S. 14 people for illegally selling medications online, and on that date, been published on the Online Pharmacy Consumer Protection Act laying down rules for the distribution and sale of medicines over the Internet.

In this context, the representative of the Centre has enhanced the role of ccTLD's drawing attention to the fact that we start discussing whether a ccTLD must have an intermediary role, the figure given by the Directive for electronic communications is solely for ISPs. In practice, this meant the assumption of a set of legal obligations that would block the obligation to areas without a prior court order and unconditional access to Whois data, without making it dependent on the nature of the applicant, read, referring to police criminal.

Related to this problem is the question of what to do with the areas that are the cause of crime: Take down or block? Here the community is not unanimous on the choice to be tending to suspend the domain with the technical option of simply removing it from the zone. This is a more specific, going directly to the source block can cope, for example, with DNSSEC, which wants to avoid. In these cases, the idea is to be the record to act immediately notify the holder of the domain, the registry will act only as a last resort. Related issue is the WHOIS, which has not ensured the veracity of the data of the holder of the domain it will not be contacted, nor, ultimately, doomed.

Was also carried out an update on the situation in Case IDN ccTLD Fast Track, opened in 2009. ICANN currently has hosted 34 applications for ccTLD delegations, with 27 already in the root IDN ccTLD for 27 countries. This is a process with two distinct phases: an assessment on the string itself and the other on the same delegation. This process involves the prior payment of 26 000 USD and in the case of approval, an amount between 1% and 3% of income for domain registration under the IDN concerned. To date the applications were refused in Bulgaria and Greece and for similar reasons: confundibilidade with pre-existing ccTLD. It should be noted that ICANN uses an algorithm that evaluates designated SWORD index confundibilidade between the string and asked the various ccTLD's. For Bulgaria, it was a process initiated in June 2008 with notification of refusal and of ICANN in May 2010 that, despite dealing with Cyrillic characters, the characters are easily confused with them

(Latinos) of the ccTLD Brazil, .br. This decision was badly received in Bulgarian internet community, where 65% of respondents supported the maintenance of the string initially proposed. Right now ICANN defends failure to reopen the case because the evaluation system provides no mechanism for review or appeal the decision.

The case of refusal to the request of Greece was identical, having been reported last February. The argument is that the string is similar to. And which, curiously or a ccTLD is one of the string before being booked at ISO-3166.

The impact of rules and principles arising from the registration of industrial property in the fields, whether ccTLD or gTLD's, is one of the most contentious issues within the ICANN. The WIPO ccTLD Program was launched in 2000 having already with the accession of 65 ccTLD's, representing 12 different languages. To date have been resolved in this area near 20 000 disputes. As a matter where the likelihood of disputes relating to intellectual property rights is high - see the known cases of cybersquatting in which a mark of 3. Shall be registered as a domain by someone other than the holder, to obtain appropriate advantage - we are faced with even the existence of specific legislation that has been dispersed doctrine beyond borders, we refer specifically to the Anti-Cybersquatting Consumer Protection Act, the Anti-Cybersquatting Piracy Act, among others.

The ccTLD.cl (Chile) came to this forum to present their system of voluntary resolution of disputes covering matters of industrial, interestingly brings an innovation in itself Chilean legal framework to introduce electronic arbitration system.

In 2004 was initiated by the Czech Arbitration Court ADR (Arbitration Center for Internet Disputes). In 2005 was approved by the ICANN. I now have over 3.3 million domains registered. Having, in this sequence, the ADR is assumed as the platform for conflict resolution for online excellence. I and working exclusively in electronic format. This platform extends today its field of action as the gTLD's. Com,. Net,. Moby, among others, and to date totaled 11,000 disputes.

The growth of the Internet goes hand in hand with the growth of domain registrations, and the competition here too, a factor that leads to the market - in this case registries and registrars - undertakes to provide a better service. Therefore, the quality of service is now over one of the hot topics for discussion between managers of different TLD's world. The ccTLD. Se (Sweden) in his country recently won the award for "Organization of the year 2010 as" having shared the progress made and actions taken to achieve the

said distinction. This was the result of a work started 4 years ago and was conducted internally and after several visits to different European registries and successful businesses in the area of IT, where he collected information and best practices that were later adapted to the operations of the foundation which manages the .if. Apart from the principle contained in RFC 1591 where it was deduced that the ccTLDs have an "(...) duty to serve the community (...)", this award was based on a widespread awareness of the organization the importance of focusing on quality of service and that it could only be achieved with internal commitment and looking for what the partners are successful today.

One of the issues appearing today as a major concern for many ccTLD's are the computer attacks - hacking - the technical infrastructure is managed by them and that, in principle, supports the DNS of the country concerned. The DNS.PR (Puerto Rico) came to this forum to share her experience with an attack on their machines that affected, in April 2009, important records as google.com.pr the nike.com.pr coca-cola .com.pr. In practice, this was a SQL Injection to nic.pr interface, which was eventually resolved within 2 hours.

Following this experience - with reflections on 3 levels: registry, file and registrants - have taken a series of measures to lessen the possibility of future attacks, namely access to the online platform by the registrars based on their IP address; blocked accounts after 3 failed attempts to access, log-in access made using the token, updates the fields made by telephone only and always through the same contacts with the previous indication of a passcode.

Under the gTLD's and established as provided in AoC (Affirmation of Commitments) WHOIS Policy Review Team launched last October a public consultation on what information should be provided by the WHOIS system. The proposal under consideration follows the principle that it is up to ICANN to promote action towards the different TLD's available the same type of information so that it is guaranteed the principle of transparency in a balanced manner with the principle of protection of privacy, confidentiality and data protection consumer rights. Therefore, we conclude the public availability of contact of the holder of the domain of technical information on it and some information of an administrative nature.

Regarding ccTLD Europeans (specifically its 50 members) the CENTR recently did a survey which has measured that the 25 ccTLD's respondents, 15 provide conditional access to their data to the authorities, while 10 of them do so without any limits.

As expected, to 40. Edition of the ICANN meetings ended without agreement on the "Applicant Guidebook for New gTLDs's." However, they were already scheduled the next steps: April 15, will be the deadline to respond to open issues left by the GAC after the meeting that took place last February with the Board, and are then published and made available for public consultation final version of the AG, the May 15 closing the space reserved for community feedback; May 20 meeting between the GAC and the Board, May 30 published the final version closed, June 20 (during the meeting in Singapore), date that the Board approve estimated at a special meeting, the rules and principles that govern the release of the new gTLD's. Anyway, it was already anticipated, in macro terms, the role model in the evaluation process of each new gTLD. The process begins with the submission, followed by an initial assessment and an open public discussion period (45 days). This timeline was defined as the time necessary and sufficient for ICANN to have the feedback from the community, which includes governments of countries likely to be concerned (question particularly acute in relation to geographic names) and the GAC itself. Oped this period, the candidate registry is free to quit the application you submitted, and is then returned to 70% of the amount paid upon submission. If proceed, there will be a deeper appreciation within estimated to go to 4 ½ months and the final decision that, if positive, will culminate in the signing of a contract with ICANN.

Final note, and especially relevant to the approval of sponsored gTLDs. Xxx - sponsored, in this case and at this stage means that their record is only available to the industry of adult content -. Say that the MCC (the registry. Xxx) said it had already 200,000 pre registrations, soon going to launch a "sunrise period for trademark holders.

Making a brief historical review it. Xxx was initially rejected at the meeting in April 2006 in Wellington, refusal reinforced in March 2007 in Lisbon. These decisions resulted in a proposed action against ICANN by ICM, who raced in U.S. courts. The sentence was known in February 2010 and was favorable to ICM, requiring the review of the ICANN registration process. Xxx. In this sequence was re-opened the internal evaluation process, it was concluded that no changes occurred to the initial conditions submitted by the ICM. In August it was submitted to public consultation the terms of the agreement can be signed between ICANN and ICM. In the statement of the Cartagena GAC reiterated the terms of the statement of Wellington in order to not approve. Xxx. The Board decided then consider that the conditions for approving this new gTLDs, just by the latest opinion from the GAC. The initial position of this organ has been maintained and even reinforced in San Francisco. The argument would be that no government representatives in favor, there was clearly states that were strongly against. What tipped the decision of the GAC was that the release of the. Xxx could lead some governments to begin to lock this field, serving as a legitimating

precedent for other blocks. In short, it would be a step toward undermining the stability and resilience of the DNS.

On March 18, 2011 was approved with the unanimity. Xxx, after heated discussion, which, moreover, reflected what had happened the day before, in the public forum, marked by the presence of dissenting voices, interestingly come from representatives of industry adult content / pornography. The order of arguments from ICANN was clear, there is no question the principle of freedom of expression, there is no question the stability and resilience of the DNS, which is at the end of this year at issue is the requirement to comply with procedures and a close Open the maintenance process has no justification in light of applicable rules. The future will tell.