

Rights Protection Mechanisms at ICANN and upcoming UDRP Review, Use Cases for (dot) brand TLDs as Abuse Solutions.

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# Mandatory Talk on ICANN RPMs

- Most of you are familiar with the UDRP and the URS (applies to new gTLDs only).
- These two policies are currently under review by ICANN.
- Phase 1 applied to the URS not the UDRP. It took 5 years to complete and only a handful of minor changes were recommended. It took about a year for the ICANN Board to approve the Policy Recommendations.
- It will now go to an implementation team. It won't be speedy.

# Mandatory Talk on ICANN RPMs

- Phase 2 is meant to launch “soon.”
- Staff just released an 88 page issues report. It doesn't say a lot.
- Phase 2 is supposed to look at substantive aspects of the URS and all aspects of the UDRP.
- I expect that the Phase 2 work, which is significantly more involved than the Phase 1 work, will take at least the same amount of time (5 years), followed by Board delays, and implementation work.

# Mandatory Talk on ICANN RPMs

- In the meantime:
  - grandma is getting phished;
  - we don't know who the bad guys are any more;
  - alternative “decentralized” “domains” (which is code for we hope to be unaccountable for our actions and the actions of our customers) are popping up in hopes that you will buy them out of fear of more mischief
  - your boss wants to cut your enforcement budget;
  - I.T. wants to cut its defensive registration budget.

Is there anyway to permanently solve all of this and rise above it?

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That's right:

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# Problems with phishing & fraud?

- Apply for and then use your.brand.
- Teach your consumers to ignore the noise to the left of the dot and look only to the right of the dot for your brand.
- What's that? Consumers can't be re-taught?

I suppose you are right. That is why we have a thriving in-person banking ecosystem, a thriving travel agency industry, and in person retail shopping is our only option.

**Of course consumers can be re-taught.**

# Problems with Social Engineering?

- Apply for and then use your.brand.
- Teach your employees to ignore the noise to the left of the dot and look only to the right of the dot for your brand.
- What's that? Employees can't be re-taught?

See prior slide.

# Problems with distributors and resellers?

- Apply for and then use your.brand.
- Require distributors and resellers to use a SLD in your .brand TLD.
- Help them teach their consumers to ignore the noise to the left of the dot and look only to the right of the dot for your brand.
- What's that? Consumers can't be re-taught? 😊
- Easily withdraw the SLD should the relationship break up.



# Delays correcting DNS or other issues?

- Too many people in the ecosystem to round up in a crisis?
- Be your own ecosystem.
- What, IT guys can't be re-taught? Well, that part is true. But, there are always young people coming into the marketplace.

# Future Problems You Don't Even Know You Have Yet

Ask me about: Anti-flammable Child Pajamas of 2032.

What happened to the world of services is about to happen to the world of stuff. Be ready.

# New gTLDs

- The Internet Corporation for Assigned Names and Numbers (“ICANN”) is the organization which runs the domain name system.
- 10 years ago, ICANN initiated a process to expand the number of new generic top level domain names (“gTLDs”). In addition to domain names in the .com gTLDs, brands now could own their own gTLD. This was meant to be an ongoing process, but that did not happen. ICANN is now taking steps to open another round of applications. Since budgets move slowly, now is the time to start socializing this internally.



# The .AWS Case Study

- One of the many .brands from the last round was the .AWS gTLD.
- Of .brands, Amazon says they see them “as technical assets that enable innovation” in addition to the obvious benefits of brand protection.
- Amazon intends to use the .AWS to transition customers to IPv6 end points.
- Amazon chooses to use its .AWS .brand TLD for this purpose for stability and safety reasons.

## **Why did you choose to use .AWS domains instead of just using a set of new domains in legacy TLDs?**

Beyond a clean slate for development, there are multiple clear security and stability benefits from using our Dot Brand, which was very appealing to AWS leadership. Operating .AWS through a dedicated AWS registry entity provides us an additional layer of control that enables those security and stability benefits.

## **Do you have any advice for other brand owners?**

Deploying a Dot Brand offers you the opportunity to take a step back and re-evaluate your URL naming structure. You can avoid prior ‘mistakes’ and develop a rationalised, more consistent structure. There’s no one-size-fits-all approach for how you should do it, so you can take the time to think big – to consider how you should organise it to best meet your needs, rather than only making incremental improvements around your existing naming structure. Don’t underestimate the opportunity!

# Additional examples of last round .brands include:

- .abbott is used “to help unite its complex portfolio - that includes research and development, and sales and marketing, as well as regulatory compliance and investor information - under its master brand.”
- .seat is used to “to take control of the use of its brand online by its global network of dealership websites.”

See <https://observatory.domains/> for additional details about these use cases, as well as other use cases, for .brands.

# New gTLDs

- The next round's processes are nearly identical to the last round, with few significant changes made in the 10 years of waiting.
- ICANN's new process will allow nearly any term to serve as a top level domain name, although there is uncertainty regarding generic terms.

# Becoming a Registry

- In order to obtain rights to the new gTLD, applicants must apply to operate the registry for that new gTLD.
- In order to qualify to run the registry, an applicant must show that
  - (1) it is financially capable of meeting ICANN's minimum guidelines and
  - (2) that it is technically capable of running a registry or that it has contracted with a party, known as a back end registry services provider or "RSP," which is technically capable of running a registry.

# Becoming Registry

ICANN's application asks a series of questions which must be answered fully prior to submitting the application. Many answers, such as financial information, are to be kept confidential.





**It is pretty clear that bad guys aren't going away.**

Consider making them irrelevant.

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# Questions?



Obligatory Question Mark Sign:

