ICANN75 | AGM – NextGen Presentations (3 of 3)
Monday, September 19, 2022 – 16:30 to 17:00 KUL

DEBORAH ESCALERA: Hello and welcome to the NextGen @ ICANN presentations. My name is Deborah Escalera, and I am the Remote Participation Manager for this session. Please note that the session is being recorded and is governed by the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in the chat will only be read aloud if put in the proper form as I've noted in the chat.

I will read questions and comments allowed during the time set by the chair or moderator of the session. Interpretation for the session will include English, Spanish, and French. Click on the interpretation ICANN in Zoom and select the language you will listen to during the session. If you wish to speak, please raise your hand in the Zoom room, and once a session facilitator calls upon your name, kindly unmute your microphone and take the floor.

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With that, I would like to welcome you to this session and thank our NextGen @ ICANN participants for their hard work and in preparing their presentations. I would also like to thank my mentor, Sophie Hey, Dessalegn Yehuala, and Roberto Gaetano, who've been working with the students over the past several weeks and guiding them through the ICANN meeting process.

I would also like to thank my colleague, Fernanda Iunes, who will be running the slides. With that, I will hand over the floor to our first presenter, Elif from Turkey. Elif, you have the floor. Oh, you're running your slides, so whenever you're ready.

ELIF GULDUZ GUREL: Hello everyone. Before beginning, let me introduce myself briefly. I'm Elif, and I'm working as an assistant specialist at the Information Technologies and Communication Authority, which is the supervisory and regulatory of information technologies and communication and also .tr domain names.

Today I'm going to talk about similarities and differences of ICANN ADR and .tr ADR regulation. I'm happy to announce that after a long period, just before this meeting, 14th September, our new regulation has been into force. I have to say me and my co-workers are so excited about these new regulations because like the other countries, we want that .tr has been a brand, and to achieve this goal, we change our registration system.

We will register especially .com.tr with the first come, first serve principle, but we know that if registered generics with this principle, our disputes are automatically raised. So we need to regulate more effective the ADR system. With this requirement and reason, while regulated the Turkish ADR, we inspired the ICANN UDRP. My voice is good?

Okay. Because for us, the UDRP is an important example of an effective and well-developed jurisprudence, but of course, .tr regulations aren't the same. There are small word differences in the texts but these make a really important effect on the conclusion. Let's start with UDRP.

I know all of you know the UDRP Article 4A, but I want you to remember Portion 2, Article 4A of the UDRP, "The complainant should show that the domain name is identical or confusing with similar to a trademark or service mark in which the complainant has rights." And the second one, "The illicit infringer has no rights or legitimate interest in respect of the domain name." And the third one, "The domain name has been registered and is being used in bad fate."

It should be pointed out that for successful complaints under both ICANN UDRP and .tr ADR, there are three requirements to be satisfied by the complainant. These are cumulative conditions.

Therefore, if one of them cannot be proved, the claim will be rejected. Let's move on with .tr ADR.

Accordingly, .tr ADR, in order to apply to, the complainant should demonstrate the domain name at issue is identical or similar to a trademark, trade name, company name, or any other identification signs that is all used in trade. Indeed, the UDRP is only available for trademarks owners and only under circumstances, while it's only mentioned about trademarks and service marks on the UDRP.

Besides, in Turkish ADR, trademarks, trade names, company names, or other identification signs are also included. As you know, UDRP was created as a tool for trademark owners to fight back against cyber squatters on the internet. In Turkey, we have the same aim, but we wanted to protect other identification signs too. This is the biggest difference of the two systems. Let's move on with the second one.

DEBORAH ESCALERA: Okay.

ELIF GULDUZ GUREL: Let's move on with the second --

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DEBORAH ESCALERA: No. The back. Yes. Make sure everybody's computer is muted so there's no feedback.

ELIF GULDUZ GUREL: Oh, it's not mine. Okay. Oh, okay. Let's move on with the second one. The domain name owner has no right or connection in respect of the domain name at issue. The second requirement is same under the two ADR. Let's move on, last condition.

The last condition is the domain name at issue has been registered or being used in bad fate by the domain name owner. At both systems, the third requirement is the same. It's about bad fate, while these two regulations are the same in general, but the small difference attached to outcome of them. Indeed, under the .tr ADR rules, the complainant has to prove only either registration or subsequent use.

Whereas under the UDR P the complainant must establish both of them. These are conjected for requirements. Both must be satisfied for a successful complaint. This is the UDRP part and now, next part is the RUDRP part. This part of the presentation, I'm going to talk about procedural rules. I will mention about important differences between two regulations. First, I want to talk about time, the time is the most important thing for the alternative resolutions.

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That .tr ADR period is shorter than UDRP period. A typical UDRP case results in a decision in about two months, but the facts of each case may shorten or extend that timing. On the other hand, according to the ADR, it's assumed that a dispute will be finished at 40 days. The other differences, fee.

Regarding UDRP, fee isn't terminated by ICANN. The provider set the official fees, and generally they charge complainants around 1,300 American dollar, but this is just for a single domain name and panelists. If complainants [00:09:24 - inaudible] three-person panel, complaints charge around $4,000.

According to .tr regulation, it is the terminated by domain name authority, it's terminated by BTK. For a single panelist, cost is 150 American dollar, and three person panels, cost is approximately 400.25 American dollar. So, .tr ADR is cheaper than UDRP.

Let's move on. Now, I will mention about some terms. These are regulated in RUDRP, but aren't included to .tr ADR, such as supplemental rules, .tr regulation doesn't give authorized to providers for regulate supplemental rules, instead .tr regulations to arrange the rules of [00:10:26 - inaudible] more casuistic.

The other terms is reverse domain name hijacking. As you know, reverse domain name hijacking means using the policy in bad fate to attempt to deprive a registered domain name holder of a domain name. In the ICANN arbitration system, as I said, the rise

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of trademark owner are protected against cybersecurity, but also domain name owners are also protected against reverse domain name hijacking.

This term is defined in the text of the RUDRP, but at the .tr regulation, this term doesn't regulate it, but we studied about it on protection of reverse domain name hijacking in our legislation. We know the policy, we know the reverse domain name hijacking and cybersecurity are the main terms for domain name dispute resolution policy.

I can give example about it. Canada's regulation, they have a penalty for reverse domain name hijacking. ICANN is criticized about there is no penalty for reverse domain name hijacking at the UDRP or RUDRP.

The last term is settlement. Pursuant to Article 17 of RUDRP, if before the panel's decision, the parties agree on a settlement, the panel shall terminate the administrative procedure.

Under this regulation, procedure has been arranged for the parties to follow. However, on the contrary, there is no procedure to be followed in this regard in the .tr ADR. If the parties come to an agreement, it's sufficient to request them to terminate the dispute solution process. That's all, that's the end of my presentation. Thank you for listening to me.

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DEBORAH ESCALERA: Thank you, Elif. Do we have any questions in the audience? Okay. Let me check online. Thank you so much for your presentation. Okay. Our final presenter is Somaly Horn from Cambodia. Somaly.

SOMALY HORN: So, good afternoon, ladies and gentlemen. I am Aly from Cambodia, and it is my pleasure to be here to share with you an interesting topic related to cyber-crime. As you know that we are living in the 21st Century, living lifestyle has been changed lately. It has allowed people to make communication, connection, and interactive online communication.

Moreover, the ways that we communicate has been used for different purpose such as education, learning, working, collaborating, and advancing technology. Especially during COVID 19 pandemic, everything is flexible. We have transformed from studying physically into virtually and working physically into virtually as well, but unfortunately, using the internet can be both rewarding and challenging.

For instance, cyber-criminal is a person who conducts some illegal form by using the internet and other digital technologies. Most of the cyber-crime is an attack on the internet of indigenous

corporation and governments. Although the cyber-criminal or cyber-crime, they do not take place physically, but they do take place virtually, in which is the set of informational [00:14:24 - inaudible] that define people, and instead [00:14:28 - inaudible] on the internet.

On the other words, in this digital age, our identity are the essential elements in everyday life. We are a bundle of the numbers and identifiers in the multiple computer database, which is owned by the government or corporation. What is the purpose of doing the cyber-crime? Of course, the cyber-criminal, they sell stolen information and it can operate anywhere.

There are a lot of different types of cyber-crime such as identity theft, using the confusing domain names, email fraud, internet fraud, email hacking, and so on. In terms of the example that I have addressed about [00:15:18 - inaudible], I would like to address about cyber-squatting.

So cyber-squatting refers to the registration or the use of the internet domain names that are identical and similar to the trademark, service mark, company names, or personal names. In the registration, they use the domain name in the bad fate in order to get a profit for the good will from the trademark owner. However, both federal governments and internet corporation for assigned names and numbers have taken action to protect the

owner of the trademarks business against cyber-squatting abuse as well.

There are four types of cyber-squatting. First of all is typo squatting is to trick the internet user and it also create the fake website that resembles the source by using the similar layout, color schemes, logos, and content. Typo squatters use such fake websites to compel legitimate website owners to buy the cyber-squatting domain names and generate more web traffic and spread malware.

Second type is identity self, and the third one is about name checking. Name checking refer to the registration of a domain name associated with the name of indigenous and usually celebrities and well-known public figures name. Name checkers benefit from web traffic related to the targeted indigenous. Last term is about reverse cyber-squatting.

Cyber-squatting has become the lucrative online practice that may negatively and affect reputation on well-established commercial brands, and the owners of such a brand may face the legal challenge related to overcoming their cyber-squatting issues. This is because of the lucrative line between the legality and illegality of cyber-squatting is difficult to draw, and as the prominence combined both legitimate and illegal activities.

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Although domain name related to cyber-squatting analytic practice can be resolved in a timely and affordable manner through the UDRP procedure, prevention measure, cancel trademarks owners the fees for initiating such a procedure. Besides that, the SSAC is engaged in the ongoing [00:17:44 - inaudible] assessment and risk analysis on the internet naming and addressing allocation service to access where the principal threat to stability and security lies and advice the ICANN community accordingly.

So how does SSAC operate? SSAC members are skilled and experienced technical professionals who volunteer their time and expertise to improve the security and integrity of the Internet naming and addressing system. They also produce reports, correspondence, and commands on the range of topics, and report are focused on providing information, recommendation, and advice on technical security, stability, and reliability issues to the ICANN board and ICANN community and broader internet community.

Correspondent comprised letters, comments, and add documents on administrative community and add a non-SSR issues. Comments are prepared in respond to explicit questions, post, tool, or request made to SSAC, and respond to ICANN's public command forum.

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So in conclusion, cyber-crime or cyber-squatting is the issues that we still concern for the world internet. Although we are living in this digital era, we also need the stability and internet security for any purpose of using it as well. That is all for my presentation and thank you for your attention. Thanks.

DEBORAH ESCALERA: Thank you, Somaly. Are there any questions for Somaly? Okay, thank you so much. I would like to thank all of our presenters today for the fantastic job and all the work that you have put into your presentations.

I want to remind everybody that all of the presentations that have taken place today and yesterday are posted on the ICANN75 website in the schedule, so you can take a look at them there. If you need to contact any of these students, please contact me or email me at engagement@icann.org. Thank you so much for joining us for these presentations, and thank you to our NextGen at ICANN. With that, you can stop the recording. Thank you so much.

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