

## Navigating Changes in the Internet Landscape and Staying Ahead of the Curve

### World Trademark Review Anti-Counterfeiting 2017: A Global Guide

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The Internet Corporation for Assigned Names and Numbers (ICANN) is a not-for-profit entity tasked with coordinating the functions of the Internet Assigned Numbers Authority (IANA). IANA is the authority responsible for regulating the domain name system, which is the technical process involved in connecting domain names with Internet Protocol addresses. ICANN thus runs the accreditation system for registrars, contracting with each to adhere to certain rules that enable it and IANA to maintain a working domain name system. ICANN also established the minimum requirements for the WHOIS domain name database, the Trademark Clearinghouse, the Uniform Domain Name Dispute Resolution Policy (UDRP) rules and other key technical and administrative elements necessary to regulate the domain name system.

The IANA functions controlled by ICANN were, until recently, under the US government's purview. As of October 1 2016, IANA transitioned from the US government to ICANN. As a result of the transition and preparations for the launch of new generic top-level domains (gTLDs), many of ICANN's policies and functions are under review. While the changes in the rules and policies of ICANN will have little effect on a particular user's day-to-day use or online interactions, these policies have significant consequences for brand owners. ICANN's governance structure is a stakeholder model, meaning that multiple parties participate in the decision-making process. As the review of ICANN's programmes and policies progresses, conflicting positions inevitably arise – often between advocates supporting the position that ICANN assist IP owners in policing and enforcing their rights and those who insist on preserving certain freedoms, such as a free market and an absolute right to online anonymity. As an example, online anonymity significantly impedes the rights of IP owners because it poses a bar to identifying those engaged in, among other things, counterfeiting and cybersquatting.