
IGO Protection Matters

Session(s) 12 - GAC Discussion on IGO Protection Matters

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Session Objective

GAC members to discuss recent developments on IGO matters as follows:

- GNSO IGO Work Track update
- Discussion on relevant developments on the consultation with the ICANN Board on IGO Protections
- Potential process to manage changes to the GAC IGO List used for protection of full IGO names in new gTLDs.

Background

The protection of the names and acronyms of International Governmental Organizations (IGOs) against unauthorized use in the DNS emerged as an issue as part of the [Second WIPO Internet Domain Name Process](#) (2001). Over the following decade, several attempts were made¹ to address WIPO's recommendations to include IGO identifiers in the scope of the trademark-based [Uniform Dispute Resolution Procedure](#) (UDRP).

In the meantime, the [GAC Principles regarding New gTLDs](#) (28 March 2007) recognized that *"the process for introducing new gTLDs must make proper allowance for prior third party rights, in particular [...] rights in the names and acronyms of [...] IGOs"*.

During the development of the [New gTLD Program](#), the issue was raised by legal counsels of IGOs through an [open letter](#) (13 December 2011), followed by an IGO Common Position Paper² (4 May 2012) and a [letter on behalf of the United Nations Secretary General](#) (11 July 2012) providing the legal basis and rationale for *"targeted exclusion of third party registrations of the names and acronyms of IGOs both at the top and second level, at least during ICANN's first application round and until further appropriate policy could be developed"*.

Subsequent interactions on this matter between the ICANN Board ([Request for policy advice](#), 11 March 2012), the GAC ([GAC Toronto Communiqué](#) and subsequent communiqués) and the GNSO (which [Initiated](#) a Policy Development Process on this matter on 17 October 2012) led to establishing the foundations of initial temporary protections of IGO identifiers to be replaced by permanent protections eventually.

However, since the GNSO delivered its [recommendations on the Protection of IGO and INGO Identifiers in All gTLDs](#) (20 November 2013),³ the ICANN Board has been challenged to reconcile the divergence between these policy recommendations and GAC Advice, as reflected in the Board [resolution](#) of 30 April 2014, while the United Nations Secretary General BAN Ki-moon [requested](#) assistance from all Members States *"in obtaining protection for the names and acronyms of IGOs from being registered as Internet Domain Names by third parties who misrepresent themselves as the IGOs in question"* (June 2016). The 2013 GNSO recommendations are set out below under "Issues". The outcome of the ensuing [IGO/INGO Access to Curative Rights Protection Mechanism GNSO PDP](#) (June 2016-July 2018) has been disputed by IGOs as summarized in a [letter from the United Nations Assistant Secretary-General, Office of Legal Affairs to the ICANN Board](#) (27 July 2018).⁴

Given that the above-mentioned Second Level IGO acronym protection is temporary in nature, and that it does not prevent the possibility of infringing registrations from being undertaken, the need for a post-registration "curative" dispute resolution mechanism was identified as a priority.

¹ see [WIPO-2 Joint Working Group](#) (2003-2004), and [GNSO Issue Report on Dispute Handling for IGO Names and Abbreviations](#) (2007)

² see Annex 5 of the [Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs](#)

³ In a Minority Statement, IGOs disagreed with the designation of "consensus" and suggested that a far more accurate PDP designation would be "strong support but significant opposition".

⁴ letter sent on behalf of the Legal Counsels of the OECD, UPU, WHO, and WIPO, as part of a broader coalition of 40 IGOs, and to which the ICANN CEO [responded](#) on 29 November 2018

It should be noted that IGOs positions have been consistently supported by the GAC, including through GAC Consensus Advice.

As to a curative Rights Protection Mechanism, given their status under international law, IGOs have raised concerns (e.g., standing, and “appeal jurisdiction” flowing from internationally recognized privileges and immunities afforded to IGOs) about using the UDRP to address abusive registrations concerning their identifiers in domain names. One of the recommendations (No. 5) in this respect from the GNSO IGO-INGO Access to Curative Rights Protection Mechanisms PDP Working Group was that, in the admittedly rare case where:

- i. an IGO has prevailed in a Uniform Domain Name Dispute Resolution Policy (UDRP) or Uniform Rapid Suspension (URS) proceeding; and
- ii. the losing registrant files suit in a court of competent jurisdiction; and
- iii. the IGO successfully claims immunity from the jurisdiction of that court; then
- iv. the original UDRP or URS panel decision is to be set aside.

The relevant Work Track Charter states:

Assuming an IGO were able to avail itself of the UDRP process, the effect of this recommendation is that the parties to the dispute will be placed in the original situation as if the UDRP or URS proceeding had never been commenced.

During the GNSO Council’s deliberations over the final PDP recommendations, concerns were expressed as to whether this particular recommendation will:

- i. require a substantive modification to the UDRP and URS (notwithstanding that these two dispute resolution procedures are currently under consideration in the RPM PDP); and
- ii. result in a potential reduction of the existing level of curative protections currently available to IGOs (notwithstanding the fact that the PDP had been chartered to determine “whether to amend the UDRP and URS to allow access to and use of these mechanisms by IGOs and INGOs ...or whether a separate, narrowly-tailored dispute resolution procedure at the second level modeled on the UDRP and URS that takes into account the particular needs and specific circumstances of IGOs and INGOs should be developed”).

Consequently, the GNSO Council did not approve this particular recommendation and has tasked the RPM PDP Working Group to “consider, as part of its Phase 2 work, whether an appropriate policy solution can be developed which:

- a. accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;

- b. does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction whether following a UDRP/URS case or otherwise;; and
- c. recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction” (see <https://gnso.icann.org/en/council/resolutions#20190418-03>).

A separate IGO Work Track was subsequently created to work in parallel with the RPM PDP WG, structured to encourage balanced participation from interested groups within the ICANN community; in particular, from affected IGOs.

The IGO Work Track is expected to take into account the review of the relevant historical documentation and prior community work conducted by the IGO-INGO Access to Curative Rights Protection Mechanisms PDP Working Group (see Sections 3.1 and 3.2 of the [PDP Final Report](#)), relevant GAC Advice, the 31-October-2016 letter from IGO Legal Counsels to Council Leadership, the external legal expert opinion commissioned by the PDP Working Group (Annex F), and the IGO Small Group Proposal (Annex D). In order to avoid, to the extent possible, re-opening or re-visiting the policy recommendations, the GNSO Council instructs the IGO Work Track to base its recommendations on its analysis of the materials cited in this paragraph, and its deliberations as to whether there is a need to develop appropriate policy recommendations to address identified IGO needs in respect of the specific issue that was referred to the RPM PDP by the GNSO Council.

Issues

As a result of the development of the [New gTLD Program](#), and the divergence that subsequently emerged between GNSO policy recommendations and GAC Advice, IGO names and acronyms are subject to a multifaceted regime of protections, pending outcomes of several ongoing processes:

At the top level of the DNS (IGO identifiers as Top-Level Domain Names)

- Under the rules of the 2012 [New gTLD Applicant Guidebook](#), IGOs were eligible to file objections on New gTLD Applications (see Legal Rights Objections, Section 3.2 of the [New gTLD Applicant Guidebook](#))
- Per ICANN Board [resolution](#) (30 April 2014) adopting GNSO Policy recommendations not inconsistent with GAC Advice, Full Names of IGOs on the [GAC List](#) are now permanently reserved at the Top Level.

At the second level of the DNS (IGO identifiers as Second Level Domain Names)

- Full Names of IGOs listed on the [GAC List](#) are permanently protected in two languages by virtue of the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#) (an ICANN [Consensus Policy](#) effective since 1 August 2018)
- Acronyms of IGOs listed on the [GAC List](#) are temporarily protected by virtue of an ICANN Board [resolution](#) (9 January 2014) consistent with GAC Advice in the [GAC Buenos Aires Communiqué](#) (20 November 2013), and pending the resolution of [inconsistencies](#) between existing GNSO policy recommendations and GAC Advice, including consideration of the

contested [Final Report](#) of the [IGO/INGO Access to Curative Rights Mechanism PDP WG](#) (17 July 2018) [adopted](#) in part by the GNSO Council (18 April 2019)

Currently the GAC is focusing on the following issues:

1. Seeking to resolve the long-standing issues created by the divergence of policy recommendations provided to the ICANN Board by the GNSO and GAC Advice regarding the protections afforded to IGOs.
2. Specifically, addressing the concerns that IGOs immunities (under international and national laws), have not been appropriately taken into account in the Final Report of the GNSO PDP WG on IGO Access to Curative Rights Protection Mechanisms, [adopted](#) in part by the GNSO Council (18 April 2019) which the GAC [advised](#) the ICANN Board to “*abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward*” in a letter to the ICANN Board on 20 August 2019. As a [response](#), the ICANN Board informed the GAC (15 Oct. 2019) it would form a Board Caucus Group for the GNSO’s PDP WG Recommendations 1, 2, 3, and 4. Subsequently, a Board-GAC Consultation process on IGO Protections was initiated, and is still underway.
3. Reviewing the process to ensure that the GAC’s [IGO List of 22 March 2013](#) is updated,⁵ is as complete as possible, and is maintained in the future, consistent with [Advice](#) in the [GAC San Juan Communiqué](#), in response to which the Board [directed](#) a feasibility study.

Leadership Proposal for GAC Action during ICANN71

1. GNSO IGO Work Track update
2. Discussion on relevant developments on the consultation with the ICANN Board on IGO Protections
3. Potential process to manage changes to the GAC IGO List used for protections in gTLDs

Historical Background / Relevant Developments

Discussion of IGO Protections at the Second Level in connection with the GNSO PDP Working Group on IGO Access to Curative Rights Protection Mechanisms

Historical Developments and Substantive Contributions (from IGOs, GAC, GNSO and ICANN)

- The [initiation](#) (5 June 2014) of the [IGO/INGO Access to Curative Rights Protection Mechanism Policy Development Process](#) (IGO CRPM PDP) stemmed from the [Final Report](#) of the preceding PDP on [Protection of IGO and INGO Identifier in All gTLDs](#) (10 November 2013) which recommended that current policies be “*amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections*” (recommendation 3.5.3).

⁵ According to a set of [criteria](#), as included in the [letter](#) to the ICANN Board date 22 March 2013 which introduced the IGO List.

- On 14 April 2014, **IGOs provided [comments](#)** as part of the development of the [Final Issue Report](#) (25 May 2014) required for the PDP to be initiated, stating:
 - *“IGOs dissented from the Working Group's recommendation against preventative protection for IGO acronyms [...]. If, however, owing to the Working Group's recommendation, protection for IGO [acronyms] at the second level is to be curative rather than preventative, it is vital that the limited protections ICANN is willing to grant are implemented in as effective a way as is possible within a registration-driven framework”*
 - noting that *“The focus of the GAC, GNSO, and NGPC is now on second-level protection of IGO identifiers through administrative dispute resolution mechanisms”, “IGOs agree with the Staff recommendation that it is more appropriate to create a separate dispute resolution procedure modeled on the UDRP (and one on the URS) but narrowly-tailored to accommodate the particular circumstances of IGOs”*
- In the [GAC Los Angeles Communiqué](#) (16 October 2014), the **GAC issued [Advice to the ICANN Board](#)** regarding the question of whether the UDRP should be amended or a separate dispute resolution procedure should be created for IGOs: *“The GAC advises the ICANN Board: i. That the UDRP should not be amended;[...]”*.
- On 29 April 2015, the **GAC [responded](#)** to a [request from the PDP Working Group](#) for input noting that *“GAC advice to the ICANN Board has repeatedly emphasized that IGOs are in an objectively different category to other rights holders and that governments support the implementation of appropriate protections of IGO names and acronyms on public policy grounds”* and pointing to an earlier [IGO Small Group response to questions from the Working Group](#) (16 January 2015) discussing in detail aspects of the legal issues at hand.
- In the course of its deliberations the IGO CRPM PDP Working Group requested that ICANN retains [Professor Edward Swaine](#) from George Washington University (USA) to prepare a **legal memo** in response to a set of specific questions related to IGOs immunity from judicial process. Pr. Swaine delivered an [Initial Synopsis of a Draft Memo](#) (28 February 2016) and eventually released the [Memorandum on IGO Immunity](#) (17 June 2016)
- In response to the legal memo, certain **IGO representatives** (WIPO, OECD, World Bank) [commented](#) (12 July 2016), inter alia, that the analysis in the Memo was not requested by the IGOs and reiterated *“longstanding statements of the IGOs regarding the basic facts that preclude IGO recourse to the UDRP”*
- On 4 October 2016, the **ICANN Board communicated to the GNSO Council the [IGO Small Group proposal](#)** for the protection of IGO Acronyms at the Second Level of the Domain Name System, which the GAC referred to in the [Hyderabad Communiqué](#) (8 November 2016) as striking *“a reasonable balance between rights and concerns of both IGOs and legitimate third parties”*, and called on ICANN to establish all of the following:
 - *a procedure to notify IGOs of third-party registration of their acronyms;*
 - *a dispute resolution mechanism modeled on but separate from the UDRP, which provides in particular for appeal to an arbitral tribunal instead of national courts, in conformity with relevant principles of international law; and*

- *an emergency relief (e.g., 24-48 hours) domain name suspension mechanism to combat risk of imminent harm.*
- On 31 October 2016, the **legal counsels of the IGO coalition** [wrote to the GNSO Council Leadership](#) *“to provide the perspective of IGOs on some of the political, legal and practical considerations”* of the issue, referring to the [IGO Small Group proposal](#) as a *“compromise proposal follow[ing] on years of comprehensive negotiations involving representatives of the ICANN Board, the GAC, IGOs and ICANN staff”*, and noted that *“thus far, we have seen policy-making on this important matter dominated by Internet domain name registration interests”*
- In the [GAC Hyderabad Communiqué](#) (8 November 2016), **the GAC advised the ICANN Board**:
 - *“to [...] facilitate, through a transparent and good faith dialogue, the resolution of outstanding inconsistencies between GAC advice and GNSO recommendations with regard to the protection of IGO acronyms in the DNS and to report on progress at ICANN 58.”*
 - *“that a starting basis for resolution of differences between GAC Advice and existing GNSO Recommendations would be the [small group compromise proposal](#) set out in the October 4, 2016 letter from the ICANN Board Chair to the GNSO”*
- On 20 December 2016, **representatives of the ICANN Board, Organization, GAC and GNSO met to prepare a facilitated discussion** during ICANN58 (see [Notes](#) of the meeting). Eventually, these preparations led to the circulation of three documents:
 - [Proposed Process For a Facilitated Dialogue Between GAC and GNSO](#)
 - [Problem Statement](#) (10 March 2017)
 - [Briefing Paper: Reconciling GAC Public Policy Advice & GNSO Policy Recommendations](#) (10 March 2017)
- On 19 January 2017, the IGO CRPM PDP **WG released its [Initial Report](#)** on which the **GAC submitted [comments](#)** (12 March 2017), pointing to inadequate consideration of GAC Advice and IGO contributions. The [US Government](#) and 21 IGOs also submitted contributions. See section IV. Analysis of Comments in the [Report of Public Comments](#) (5 May 2017) for a summary of comments.
- In the meantime, on 12 March 2017, during the ICANN58 meeting in Copenhagen **the GAC and GNSO participated in a [Facilitated Dialogue session](#)** (see [summary](#) by the session’s facilitator). There were no subsequent developments in the facilitation process as the facilitator, Bruce Tonkin, eventually [indicated](#) (16 June 2017) a dependency on progress of the IGO CRPM PDP WG.
- In the November 2017-June 2018 timeframe, **the IGO CRPM PDP Working Group experienced procedural difficulties and formal challenge** in the formation of consensus on its recommendation, as discussed in a GNSO Council [Paper on Policy & Procedural Options relating to IGO Jurisdictional Immunity](#) (9 March 2018). A later [Summary Report on the Current Status of Consultations with the IGO IGO CRPM PDP WG](#) (12 April 2018) recognized a number of challenges in the PDP WG deliberations which made them “highly unlikely” to

“result in clear consensus”, noting that *“any consensus recommendation on this topic will likely conflict with GAC advice”*. This ultimately led a closer involvement of the GNSO Council with sought a timely delivery of the Final Report.

- In the [GAC Panama Communiqué Advice](#) (28 June 2018), the **GAC advised the ICANN Board** to work with the GNSO to ensure that GAC Advice and the [IGO Small Group proposal](#) is *“adequately taken into account in any related Board decision”*. The rationale referred to the [2007 GNSO Issue Report on Dispute Handling for IGO Names and Abbreviations](#) as providing *“a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the ‘small group’ proposal.”*

Conclusion of the IGO CRPM PDP, GNSO Council deliberations and GNSO/GAC engagement

- On 17 July 2018, the **IGO Curative RPM PDP Working Group** submitted its [Final Report](#) for consideration by the GNSO Council. The report includes several substantial Minority Statements (see Annex B)
- On 27 July 2018, **IGOs disputed the Final Report** in a [letter from the United Nations Assistant Secretary-General, Office of Legal Affairs to the ICANN Board](#). In reaction, participants of the PDP Working Group expressed their views with the ICANN Board ([Letter From IGO-INGO Working Group](#) and [Letter from Paul R. Keating](#), 16 August 2018)
- In a letter from [GAC Chair to GNSO Council Chair](#) (21 October 2018), the **GAC expressed “its serious concerns about this report given the clear conflict between its conclusions and longstanding GAC advice”** and asked *“that the GNSO Council gives serious consideration to the option of deferring its decision on the [...] PDP final recommendations until a dialogue between GAC and GNSO Council has been conducted”*
- During the ICANN63 meeting (22 October 2018), at the request of the GNSO Council, **IGO representatives provided a high-level overview of concerns** with the IGO CRPM PDP WG Final Report, quoting or echoing the minority statement of the resigned co-chair of the Working Group (in addition to a more detailed discussion of each recommendation):
 - *“After four years of effort this WG has utterly failed to provide a policy recommendation that reasonably resolves the central challenge it confronted”*
 - *“Not only has the working group failed to provide any recommendations that would facilitate IGO access to curative rights mechanisms, they have actually passed one recommendation that would *penalise* an IGO that successfully asserts an immunity claim”*
 - it also pointed the *“imbalance of the working group members’ votes on the final recommendations: “Of the 11 WG members who supported the Recommendation, a majority (7) were either domain investors or attorneys representing domain investors (domainers), indicating that the WG’s consensus call process had been captured by a narrow segment of the ICANN community with a significant commercial interest in the outcome”*

- In the [GAC Barcelona Communiqué](#) (25 October 2018), the GAC [advised](#) the ICANN Board to: *“facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC in an effort to resolve the longstanding issue of IGO protections, on which it reaffirms its previous advice, notably with respect to the creation of a curative mechanism and maintenance of temporary protections.”*
- On 29 November 2018, the ICANN CEO hinted at the ICANN Board’s readiness to facilitate the requested dialogue in his [response to the Legal Counsels of the IGOs](#), while [reassuring](#) other stakeholders that the *“ICANN Board is fully cognizant of the need for the bottom-up policy”*.
- On 27 January 2019, the ICANN Board confirmed its readiness to *“facilitate a substantive, solutions-oriented discussion should it be invited to do so by the GNSO and the GAC”* in its [response](#) to the GAC Barcelona Communiqué.
- On 18 April 2019, after 9 months of internal deliberations (including a dedicated [webinar](#) on 9 October 2018), and in spite of engagement with the GAC through correspondence ([response to GAC Chair](#) on 14 January 2019) and bilateral meetings ([GAC/GNSO Leadership discussion](#) on 14 February 2019, [GAC/GNSO Joint Meeting during ICANN64](#) on 10 March 2019), the GNSO Council [resolved](#) to approve Recommendations 1 to 4 of the IGO CRPM PDP WG Final Report and to refer Recommendation 5 to the ongoing RPM Review PDP WG.
- GAC efforts to secure the GNSO’s participation in a facilitated dialogue, both before the GNSO Council vote ([GAC letter](#) of 17 April 2019) and after its decision ([GAC/GNSO Leadership Call](#) on 21 May 2019 and the subsequent GAC Chair [letter](#) of 23 May 2019), have been unsuccessful. The GNSO Council confirmed, in its [response](#) to the GAC Chair (31 May 2019), to be awaiting the ICANN Board’s decision on Recommendation 1-4, while initiating work on charter further work on Recommendation 5.
- During the ICANN65 meeting, representatives from the GAC, IGOs, GNSO, and ICANN Board discussed informally the possibility to complete new policy development in relation to Recommendation 5 expeditiously. GAC and IGO representative indicated that this would be acceptable to the extent that there would be appropriate safeguards in place to ensure that GAC and IGO input are taken into account, that the issues would be considered comprehensively and that new policy recommendation would be permitted to overtake the current Recommendation 1-4 of the IGO Access to Curative RPM PDP WG. It was understood that the ICANN Board’s flexibility on the matter would allow such an outcome.
- As a consequence, in its [response to the ICANN Board’s notification](#) (20 August 2019) of its consideration of the GNSO’s policy recommendations 1-4, the GAC advised the ICANN Board to *“abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward”*.
- In its [response](#) (14 October 2019), the ICANN Board indicated that *“At its workshop at ICANN65 in Marrakech in June 2019, the Board decided to form a Board Caucus Group to review the community’s work on this matter.”* and that consequently it *“does not presently intend to act on the GNSO’s PDP recommendations 1, 2, 3, and 4 until the newly formed*

Board Caucus Group has completed its review of the matter and formulated suggestion for possible paths forward”

- The ICANN Board communicated to the GAC on the 8 Dec. 2020, as a follow up on the Board’s resolution of [22 October 2020](#), which described the Board’s intention to take an action that is not or may not be consistent with the GAC’s advice on the scope of a permanent notification mechanism concerning third party registrations of second level domain names matching the acronyms of the IGOs on the GAC’s list dating from April 2013.
- The Board resolution initiated the required Board-GAC Bylaws Consultation Process that is needed in such an event. As mandated by the second step of the Bylaws Consultation Process, the Board must *“provide written notice to the GAC stating, in reasonable detail, the GAC advice the Board determines not to follow, and the reasons why such GAC advice may not be followed.”* In this regard, the Board noted its [8 June 2020](#) communication to the GAC regarding the current status of GAC advice, as inventoried in the Action Request Register (ARR) maintained for this purpose.
- Between November 2013 (ICANN48, Buenos Aires) and June 2018 (ICANN62, Panama), the GAC provided advice to the Board on the topic of IGO protections in nine Communiques, which remain open for further Board consideration. In view of the Board’s 22 October 2020 resolution that deferred action on the remaining recommendations from the Generic Names Supporting Organization’s (GNSO) 2013 Policy Development Process (PDP) that are not consistent with GAC advice as well as on the four PDP recommendations approved by the GNSO Council in 2019 concerning curative rights protections for IGOs, the Board has prepared a scorecard to reflect the status of Board action regarding IGO protections.
- As noted in a [Board letter](#) to the GAC on 26 January 2021, the current Board-GAC Consultation Process relates only to GAC advice on “preventative” protections for IGOs. The Board has deferred action on all four Curative Rights recommendations sent by the GNSO Council. A new Work Track (with GAC and IGO participants) was launched by the GNSO to work on the fifth Curative Rights PDP recommendation that was not approved by the GNSO Council, and the Board is awaiting the outputs from the new Work Track to consider the other four deferred recommendations. As such, the final overall scope of IGO protections (i.e., both preventative and curative) will therefore not be known until this new Work Track completes its work, its recommendations (if any) are approved by the GNSO Council, and the Board reviews and decides on all the Curative Rights recommendations.
- Following a Board-GAC meeting, the Board issued another [follow-up letter to the GAC](#) on 23 February 2021, noting that the *“Board understands the GAC’s concern about the need to protect IGOs on a permanent basis. This is why [the Board’s] proposal is to provide the post-registration service on a permanent, ongoing basis at no or nominal cost to an IGO. The current temporary reservations would remain in place until the post-registration service is ready so that there will be no lapse in IGO protections and strings matching IGO acronyms will remain reserved until the launch of the post-registration service.”*

- On the [11 March 2021 Board-GAC Interaction Group Call](#), the GAC Chair asked for clarifications on the above statement by the Board to understand if the current IGO acronym reservation list stays in place or is replaced by the new post-registration protection scheme. GAC attendees expressed a desire to preserve existing pre-registration protections for IGOs as long as possible until the resolution of the new GNSO Work Track.
- Regarding future Board decisions on IGO Protections in relation GAC Advice, as discussed per the ongoing Consultation, the GAC expressed a preference for a holistic approach of IGO Protections, that is preserving existing pre-registration protection for IGOs until completion of the work on Curative Right Protections ongoing in the IGO Work Track of the RPM PDP.

Current Positions

- [ICANN70 Communiqué](#) - text in full: *“While the GAC welcomes the new GNSO Work Track on Curative Rights, the GAC recalls prior GACAdvice (e.g., from Johannesburg and Panama) and ICANN agreement on a moratorium for new registrations of IGO acronyms ahead of a final resolution of this issue”*
- GAC [response](#) (20 August 2019) to the ICANN Board [letter](#) (11 July 2019), including Advice to the ICANN Board to *“abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward”*
- ICANN63 [Barcelona Communiqué](#) (25 October 2018) includes [Advice](#) regarding the facilitation of a dialogue and reaffirming previous advice on maintaining of temporary protections and creating curatives rights mechanisms.
- ICANN62 [Panama Communiqué](#) (28 June 2018) includes [Advice](#) regarding the maintenance of the IGO List, maintaining temporary protections and the ICANN Board working with the GNSO to ensure that GAC Advice and the [IGO Small Group proposal](#) is *“adequately taken into account in any related Board decision”*. The rationale refers to a [2007 GNSO Issue Report](#) which *“provided a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the “small group” proposal.”*
- ICANN61 [San Juan Communiqué](#) (15 March 2018) includes [Advice](#) regarding the maintenance of the IGO List, followed by subsequent [clarifications](#) (15 May 2018).
- ICANN60 [Abu Dhabi Communiqué](#) (1 November 2017) includes [Advice](#) calling on a close review of decisions related to the IGO CRPM PDP WG with a rationale signaling the expectation that recommendations would conflict with GAC Advice and comments on the Initial Reports.
- ICANN59 [Johannesburg Communiqué](#) (29 June 2017) includes [Advice](#) regarding the creation of curative dispute resolution mechanism and calling on the Board to ensure IGO input and expertise is reflected in the IGO CRPM PDP WG’s recommendations.
- ICANN58 [Copenhagen Communiqué](#) (15 March 2017) notes the start of the facilitated dialogue and includes [Advice](#) regarding maintaining the temporary protections, facilitating

continued discussions and urging the IGO CRPM PDP WG to take into account the GAC's [comments](#) on its Initial Report.

- ICANN57 [Hyderabad Communiqué](#) (8 November 2016) includes [Advice](#) calling on the Board to “take action” and facilitate of the resolution of inconsistencies in GAC advice and GNSO recommendations by ICANN58, on the basis of the [Small Group proposal](#), inviting the IGO CRPM PDP WG to take into account this proposal, and maintaining the temporary protections.
- ICANN54 [Dublin Communiqué](#) (21 October 2015) includes [Advice](#) to facilitate the timely conclusion of discussions with the “small group” to resolve the issue of IGO protections.
- ICANN53 [Buenos Aires Communiqué](#) (24 June 2015) [notes](#) progress and invites a “small group” to develop a concrete proposal, while preventative protections remain in place.
- ICANN51 [Los Angeles Communiqué](#) (15 October 2014) reaffirms advice from Toronto, [Beijing](#), [Durban](#), [Buenos Aires](#), [Singapore](#) and [London](#) regarding protection of IGO names and acronyms at the top and second levels and [advises](#) the ICANN Board that: the UDRP should not be amended, and that interim protections should remain in place while dialogue continues between Board, GAC and GNSO to develop concrete solutions to long standing GAC Advice.
- [Letter from the GAC Chair to the ICANN Board](#) (22 March 2013) on agreed [criteria](#) and corresponding [final list for protection of IGO names and acronyms](#) at the second level in the current round of gTLDs.
- ICANN45 [Toronto Communiqué](#) (17 October 2012) includes advice to implement IGO protections at the second level prior to the delegation of any new gTLDs, and in future rounds of gTLDs at the second and top level.

Other GAC Contributions and Statements (in chronological order)

- GAC [response](#) to a [request](#) for input from the IGO CRPM PDP WG (29 April 2015)
- GAC [comments](#) on the IGO CRPM PDP WG Initial Report (12 March 2017)
- Letters from [GAC Chair to GNSO Council Chair](#) (9 August 2018) regarding the IGO CRPM PDP WG Final Report
- Letter from [GAC Chair to GNSO Council Chair](#) (21 October 2018) regarding the IGO CRPM PDP WG Final Report
- Letter from [GAC Chair to GNSO Council Chair](#) (17 April 2019) regarding the expected vote on the IGO CRPM PDP WG Final Report recommendations
- Letter from [GAC Chair to GNSO Council Chair and ICANN Board](#) (23 May 2019) seeking GNSO Council participation in a Board facilitation process
- Letter from [GAC Chair to the ICANN Board Chair and GNSO Council](#) (13 June 2019) regarding the expected Board consideration of the GNSO recommendations.

IGO Statements and Substantive Contributions (in chronological order)

- [Open Letter from IGOs on the Expansion of gTLDs](#) (13 December 2011)
- IGO Common Position Paper, included as Annex 5 in the [Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs](#) (4 May 2012)
- [Letter on behalf of the United Nations Secretary General](#) to ICANN (11 July 2012)
- IGOs [comments](#) on Issue Report to amend the UDRP and URS to enable access by protected IGOs (14 April 2014)
- [IGO Small Group response](#) to IGO CRPM PDP WG (16 January 2015)
- [United Nations Secretary General BAN Ki-moon letter to Member States](#) requesting assistance from all Members States in obtaining protection for the names and acronyms of IGOs (June 2016)
- [Response by certain IGO representatives](#) (WIPO, OECD, World Bank) to the CRO PDP Legal Memorandum on IGO Immunity (12 July 2016)
- [IGO Small Group proposal](#) for the protection of IGO Acronyms at the Second Level of the Domain Name System (4 October 2016)
- [Letter of the legal counsels of the IGO coalition](#) to the GNSO Council Leadership (31 October 2016)
- [21 IGOs comments](#) on the IGO CRPM PDP WG Initial Report (5 May 2017)
- [Letter from the United Nations Assistant Secretary-General, Office of Legal Affairs](#) to the ICANN Board (27 July 2018)

Questions for GAC Representative Consideration

In preparation for this and other GAC sessions at ICANN71 and future meetings, it has been considered that GAC representatives could benefit from a deeper discussion of various ICANN topics within their own government or organization. Set forth below, as an experiment for ICANN71, ICANN org staff have collaborated to develop some sample questions for GAC representatives to consider as part of their session preparations and meeting information sharing - to aid discussions, share best practices and potentially identify various approaches or strategies that different governments take to these issues. The questions below can be used by readers to focus preparation efforts or as a way to broaden future meeting dialogue. Please advise GAC Support staff if you find these types of questions to be of value in meeting preparation.

- What are the provisions of trademark laws in your jurisdiction applicable to the protection of IGO names and acronyms? Does your national ccTLD(s) have measures to protect IGO names and acronyms in its registration policies?
- What are the national measures implemented locally to prevent unauthorized third-party trademark registrations, complementing [Article 6ter](#) of the Paris Convention?

- What is the level of awareness of your government of the ICANN Board's proposal to afford “post-registration” protections for IGO acronyms, (i.e. deploying a notification mechanism, at no cost, when an IGO’s acronyms is registered in any gTLD) ?
- What is the level of familiarity of your government with the “Protection of IGO and INGO Identifiers in All gTLDs Policy” of ICANN which requires full names of IGOs on the GAC List to be reserved at the second level of all gTLDs ?

Key Reference Documents

- [Follow up Questions from the Board-GAC Consultation Process Call on IGO Protections](#) (23 February 2021)
- [GNSO Council Recommendations Report to the ICANN Board – Regarding Adoption of the Phase 1 Final recommendations from the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process](#) - 10 February 2021
- [Board-GAC Consultation Process on GAC Advice in relation to Protections for IGOs at the Second Level of the DNS](#) (26 January 2021)
- [Phase 1 Final Report on the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process](#) - 24 November 2020
- [ICANN Board Chair letter to GAC Chair related to Board Action on IGO Protections \(including scorecard\)](#) (8 December 2020)
- [Submission by the GAC on GNSO PDP on IGO-INGO Access Curative Rights Policy Recommendations for ICANN Board Consideration](#) (15 October 2019)
- [IGO Small Group proposal](#) for the protection of IGO Acronyms at the Second Level of the Domain Name System (4 October 2016)
- [Final Report](#) of the IGO Access to Curative RPM PDP Working Group (17 July 2018)
- [Letter from the United Nations Assistant Secretary-General, Office of Legal Affairs](#) to the ICANN Board (27 July 2018)
- [IGO representatives’ High-Level Overview of Concerns](#) with the IGO Access to Curative RPM PDP WG Final Report (22 October 2018)
- [GNSO Council resolution](#) adopting Recommendations 1-4 of the IGO Access to Curative RPM PDP WG (18 April 2019)
- [Report of Public Comments](#) for Board Consideration of the GNSO Council recommendations related to IGO Access to Curative RPMs (4 September 2019)

Further Information

ICANN Board Facilitation Documentation

- [Proposed Process For a Facilitated Dialogue Between GAC and GNSO](#) (March 2017)
- [Problem Statement Relating to the Protection of Acronyms of IGOs at the Second Level in gTLDs](#) (10 March 2017)
- [Briefing Paper: Reconciling GAC Public Policy Advice & GNSO Policy Recommendations](#) (10 March 2017)
- [Presentation](#), [recordings](#) and [summary](#) of the GNSO-GAC Facilitated Dialogue on IGO Protections (12 March 2017)

Policy Development Documentation

- [Issue Report](#) on Dispute Handling for IGO Names and Abbreviations (15 June 2007)
- [Final Issue Report](#) on amending the UDRP and URS to enable access to them by protected IGOs (24 May 2014)
- Pr. Edward Swaine [Legal Memorandum on IGO Immunity](#) (17 June 2016)
- [Initial Report](#) of the IGO CRPM PDP WG (19 January 2017)
- GNSO Council [Paper on Policy & Procedural Options relating to IGO Jurisdictional Immunity](#) (9 March 2018)
- [Summary Report on the Current Status of Consultations with the IGO IGO CRPM PDP WG](#) (12 April 2018)
- [Final Report](#) of the IGO CRPM PDP WG (17 July 2018)

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