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# ICANN76 IGO Protections Update

Brian Beckham, WIPO

Monday, 13 March 2023

**ICANN | G A C**  
Governmental Advisory Committee



1. Review of Mechanism to Update GAC IGO List
2. Update on IGO Curative Rights Protections, including proposed GAC Advice
3. AOB

# Review of Mechanism to Update GAC IGO List

Brian Beckham, WIPO  
Manal Ismail, GAC Chair

# 1. IGO Protections - Mechanism to Update IGO List

## Proposed Mechanism to Update IGO List:

- Since ICANN74, GAC IGO Small Group continued its review of the Proposed Mechanism to Update the IGO List, submitted it to GAC Membership for review several times, as well as to GAC leadership.
- Most recent iteration submitted to GAC Membership prior to ICANN76.
- The mechanism covers:
  - How to add an IGO name/acronym to the List;
  - How to change/modify information on the List;
  - How to remove an IGO name/acronym from the List (including recognition of consequences).
- As part of this review and update, **two forms were created:**
  - a form to submit a request to **add** a name/acronym to the IGO list;
  - a form to request to **remove** a name/acronym from the list.



# 1. IGO Protections - Mechanism to Update IGO List

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## Proposed Mechanism to Update IGO List:

Most significant updates to the Proposed Mechanism to Update IGO List - **for GAC review/feedback/sign-off at ICANN 76** - since the last iteration include:

- Added Background section including history and chronology of the IGO List, relevant resources, and background information.
- Added definitions (merely for clarity).
- **Update on processes** to update the IGO List:
  - Forms created to add or remove names/acronyms from the IGO List.
  - Draft section on process to “modify” an existing name/acronym.
- Annex: explanation of background on IGO criteria for protection.



# 1. IGO Protections - Mechanism to Update IGO List

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**The draft process to add an IGO name/acronym to List includes:**

- Steps for a requestor to **add an IGO name/acronym** to the List:
  - Using a standard form;
  - Confirming that the IGO meets the Specified Criteria;
  - Confirming the [2] language(s) in which the IGO full name should be reserved;
  - Identifying IGO point of contact.
  
- Steps for GAC Chair to take upon receipt of a request including:
  - Acknowledgement of receipt/expected timeframe for response;
  - Preliminary assessment of the Request against the Specified Criteria.
  
- Steps for GAC Chair to take upon decision on the assessment of a request.

# 1. IGO Protections - Mechanism to Update IGO List

**GAC IGO Protection List - Add Form**

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### GAC IGO List For Protection in new gTLDs - Add Form

The **IGO List for Protection in new gTLDs** was created by the GAC in consultation with the ICANN Board in 2013, to be maintained by the GAC to enable the protection of IGO identifiers at the second level in new gTLDs.

The IGO List for Protection in new gTLDs is maintained by the GAC, and is administered by the ICANN organization ("ICANN org").

By submitting your contact information on this form, you agree that your personal data will be processed in accordance with the ICANN [Privacy Policy](#), and agree to abide by the website [Terms of Service](#).

To add a name or acronym to the IGO List for Protection in new gTLDs, please complete this form and return to the GAC Chair at [gac-leadership@icann.org](mailto:gac-leadership@icann.org).

\_\_\_\_\_

**Requestor:**

Accredited GAC Representative - Primary  
 Accredited GAC Representative - Alternate

**Acknowledgement and Confirmation:**

By signing below and submitting this form, the Requestor confirms that the specified IGO meets the [Criteria](#) for Protection.

**IGO Requested to join IGO List for Protection in new gTLDs:**

\* Requested IGO Name (in both English and if different, the primary language of the IGO) and Acronym:  
\_\_\_\_\_

Full IGO name in up to two languages, to be reserved (blocked) from registration in new gTLDs:

Language 1: \_\_\_\_\_  
Language 2: \_\_\_\_\_

Requestor understands the purposes of listing the IGO name/acronym on the [IGO List for Protection in new gTLDs](#).

**Requestor Contact Information:**  
\*\*\* Required

\*Country, Territory, Region or IGO represented:



# 1. IGO Protections - Mechanism to Update IGO List

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## Process to remove an IGO name/acronym from the List

- **Steps for a Requestor to seek removal** an IGO name/acronym from the List, including:
  - Using a standard form;
  - Confirming (and explaining) that the IGO acknowledges that the Requestor and the Authorized Representative of the IGO understand the consequences of withdrawing the identified name and/or acronym from the List.
- **Steps for GAC Chair** to take upon receipt of a Removal Request including:
  - Acknowledgement of receipt;
  - Submits removal request to ICANN Org to update the relevant systems used to implement the Protections of IGO Names and Acronyms in new gTLDs;
  - GAC Chair informs Requestor and GAC membership once the change is confirmed.

# 1. IGO Protections - Mechanism to Update IGO List

GAC IGO Protection List - Remove Form .DOCX

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## GAC IGO List For Protection in new gTLDs - Remove Form

The IGO list for protection in new gTLDs was created by the GAC in consultation with the ICANN Board in 2013, to be maintained by the GAC to enable the protection of IGO identifiers at the second level in new gTLDs.

The IGO List for Protection in new gTLDs is maintained by the GAC, and is administered by the ICANN organization ("ICANN org").

By submitting your contact information on this form, you agree that your personal data will be processed in accordance with the ICANN [Privacy Policy](#), and agree to abide by the website [Terms of Service](#).

To remove a name or acronym to the IGO List for Protection in new gTLDs, please complete this form and return to the GAC Chair at [gac-leadership@icann.org](mailto:gac-leadership@icann.org).

\_\_\_\_\_

**Requestor:**

Accredited GAC Representative - Primary  
 Accredited GAC Representative - Alternate

**Acknowledgement:**

By signing below, the Requestor confirms that the IGO and Requestor understands the consequences of leaving the GAC IGO List for Protection in gTLDs.

More information on the IGO List for Protection in new gTLDs can be found [here](#).

**IGO Requested to be removed from the IGO List for Protection in new gTLDs:**

\* Requested IGO Name or Acronym to remove: \_\_\_\_\_

**Requestor Contact Information:**  
"\*" Required


\*Country, Territory, Region or Organization represented: \_\_\_\_\_

\*First Name: \_\_\_\_\_


\*Surname: \_\_\_\_\_

\*Job Title: \_\_\_\_\_


\*Department /Ministry/Division: \_\_\_\_\_

 **Brian Beckham**  
5:32 PM Yesterday ✓

Add IGO contacts?

 **Brian Beckham**  
5:33 PM Yesterday ✓

Perhaps the the consequences should be spelled out here, or at least refer to a document that does so.

 **Benedetta Rossi**  
1:34 PM Dec 1 ✓

Link to be added when ready

# 1. IGO Protections - Mechanism to Update IGO List

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## Next Steps

- Draft mechanism to update the IGO List circulated to GAC Membership for review and sign-off;
- Specific attention should be given to pending comments and questions which include questions for GAC members to consider (submitted by GAC IGO Small Group Members, GAC Leadership, and GAC Support);
- Following review, GAC Support and the GAC IGO Small Group will incorporate input and update the draft mechanism;
- Updated draft (if any) will be shared with GAC Members for final review prior to ICANN77 with the aim of approving intersessionally.

# Update on IGO Curative Rights Protection EPDP, including proposed GAC Advice

Brian Beckham, WIPO

## 2. Update on EPDP and proposed GAC Advice

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### Update on EPDP

- Recommendation #1: Definition of “IGO Complainant”
  - ✓ Full Consensus
- Recommendation #2: Exemption from Submission to “Mutual Jurisdiction”
  - ✓ Full Consensus
    - *“...notice informing the respondent; (i) of its right to challenge a UDRP decision [...] by filing a claim in court...” [BC comments next slide]*
- Recommendation #3: Arbitral Review following a UDRP Proceeding
  - ✓ Full Consensus
- Recommendation #4: Arbitral Review following a URS Proceeding
  - ✓ Full Consensus
- Recommendation #5: Applicable Law for Arbitration Proceedings
  - ✓ Full Consensus

## 2. Update on EPDP and proposed GAC Advice

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### Update on EPDP

- GAC Members and IGOs took part in the EPDP on Specific Curative Rights Protections for IGOs and submitted a GAC comment on 16 January 2023 on the Final Report for Board consideration;

*“...[T]he GAC recalls that IGOs being unique treaty-based institutions created by governments under international law in order to undertake global public service missions, protecting their names and acronyms in the DNS serves the global public interest. [The GAC also recalls that ICANN’s Bylaws and Core Values indicate that the concerns and interests of entities most affected, here IGOs, should be taken into account in policy development processes.] The central issue raised in the EPDP is that unlike trademark owners, IGOs benefit from privileges and immunities under international law; indeed, this is seen as core to their existence and ability to carry out their activities. [...] While the GAC does not believe the (court-followed-by-arbitration) approach outlined in the Final Report will be fruitful for potential UDRP case parties (nor indeed efficient in terms of time or costs), as a matter of compromise to arrive at a recommendation, the GAC supports the Working Group recommendation that if a court declines jurisdiction over an appeal from a UDRP case, the IGO and UDRP case respondent (the domain name registrant) should have an arbitration option available to resolve their dispute. [...]”*

- **Overall, the GAC supported the recommendations provided in the Final Report, while noting this is the result of compromises on preferred policy outcomes.**
- RrSG and RYSG effectively supported; BC (ICA) raised concerns

## 2. Update on EPDP and proposed GAC Advice

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### GAC Advice on IGOs

- The GAC issued advice on IGO protections on multiple occasions, including:
  - ✓ ICANN51 Los Angeles (15 October 2014)
  - ✓ ICANN53 Buenos Aires (25 June 2015)
  - ✓ ICANN 56 Helsinki (30 June 2016)
  - ✓ ICANN57 Hyderabad (08 November 2016)
  - ✓ ICANN59 Johannesburg (29 June 2017)
- Recommendations in the Final Report contradict certain aspects of GAC Advice e.g., that the UDRP should not be modified;
- IGOs have reviewed GAC Advice to seek to update GAC Advice in light of the Recommendations of the EPDP Specific Curative Rights Protections Final Report.

## 2. Update on EPDP and proposed GAC Advice

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- **Proposal for GAC consideration:** updated GAC Advice to align with Recommendations in the EPDP Specific Curative Rights Protections Final Report, for GAC consideration:

**ADVICE:** The GAC supports the recommendations of the EPDP on Specific Curative Rights Protections for IGOs and Advises the Board to approve such recommendations for implementation. For the reasons stated inter alia in the ICANN 74 Communique, the current moratorium on the registration of IGO acronyms as domain names should remain in place pending implementation of the recommendations of the EPDP. Insofar as the above-noted EPDP recommendations propose targeted amendments to the UDRP Rules to accommodate IGOs in addressing the abuse of IGO identifiers in the DNS, this Advice supersedes those aspects of GAC Advice in the following Communiques: ICANN 51 (Los Angeles: in implementing any such curative mechanism the UDRP should not be amended), ICANN 56 (Helsinki: any such mechanism should be separate from the existing UDRP), ICANN 57 (Hyderabad: dispute resolution mechanism modeled on but separate from the UDRP), ICANN 59 (Johannesburg: IGO access to a curative dispute resolution mechanism should be modeled on, but separate from, the existing UDRP).

**RATIONALE:** The GAC affirms that IGOs perform important global public missions with public funds, that they are the unique treaty-based creations of government under international law, and that their names and acronyms warrant appropriate tailored protection in the DNS in the global public interest to prevent consumer harm. It is also recalled that the EPDP recommendations strikes a balance between rights and concerns of both IGOs and legitimate third parties.



# Annex: Previous GAC Advice on IGO Protections

## 2. GAC Advice on IGO Protections

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### ICANN51 Los Angeles Communiqué: 15 October 2014

#### 5. Protection of Inter-Governmental Organisation (IGO) Names and Acronyms

- a. The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires, Singapore and London Communiqués regarding protection of IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law, are objectively different right holders; namely:
  - i. Concerning preventative protection at the second level, the GAC reminds the ICANN Board that notice of a match to an IGO name or acronym to prospective registrants, as well as to the concerned IGO, should apply in perpetuity for the concerned name and acronym in two languages, and at no cost to IGOs;
  - ii. Concerning curative protection at the second level, and noting the ongoing GNSO PDP on access to curative Rights Protection Mechanisms, the GAC reminds the ICANN Board that any such mechanism should be at no or nominal cost to IGOs; and further, in implementing any such curative mechanism
- b. **The GAC advises the ICANN Board:**
  - i. That the UDRP should not be amended; welcomes the NGPC's continued assurance that interim protections remain in place pending the resolution of discussions concerning preventative protection of IGO names and acronyms; and supports continued dialogue between the GAC (including IGOs), the ICANN Board (NGPC) and the GNSO to develop concrete solutions to implement long-standing GAC advice.

## 2. GAC Advice on IGO Protections

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### ICANN53 Buenos Aires Communiqué: 25 June 2015

#### 2. Protection for Inter-Governmental Organisations (IGOs)

Consistent with previous GAC advice in previous Communiqués regarding protection for IGO names and acronyms at the top and second levels, the GAC takes note of the progress made by the informal “small group” towards developing mechanisms in line with previous GAC advice, and calls upon the small group to meet in the near term with a view towards developing a concrete proposal for these mechanisms before the next ICANN meetings in Dublin; and welcomes the preventative protections that remain in place until the implementation of permanent mechanisms for protection of IGO names and acronyms at the top and second levels.

## 2. GAC Advice on IGO Protections

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### ICANN56 Helsinki Communiqué: 30 June 2016

#### 3. IGO Protections

The GAC remains committed to protections of IGO names and acronyms at the top and second levels, which are in the public interest given that IGOs, as publicly-funded entities created by governments under international law, are objectively unique rights holders. The GAC recalls its advice since the 2012 Toronto Communiqué in this regard, and remains of the view that:

(i) concerning preventive protection at the second level, that notice of a match to an IGO name or acronym to prospective registrants as well as the concerned IGO should be mandated in perpetuity for the concerned name and acronym in two languages and at no cost to IGOs;

(ii) concerning curative protection at the second level, and noting the ongoing GNSO PDP on access to curative rights protection measures, that any such mechanism should be separate from the existing UDRP, offer parties an “appeal” through arbitration, and be at no or nominal cost to IGOs;

The GAC notes the ongoing work of the informal “small group” and the efforts of those involved to develop mechanisms that implement the above-mentioned advice.

The GAC remains of the view that the preventive protections for IGO acronyms should be maintained pending the implementation of mechanisms for the permanent protection of IGO names and acronyms at the top and second levels.

## 2. GAC Advice on IGO Protections

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### ICANN57 Hyderabad Communiqué: 8 November 2016

#### 4. Protection of IGO Names and Acronyms

##### a. The GAC advises the ICANN Board:

- i. To take action and engage with all parties in order 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.
- ii. 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, namely that ICANN would establish all of the following, with respect to IGO acronyms at the second level:
  - 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.

## 2. GAC Advice on IGO Protections

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### ICANN57 Hyderabad Communiqué: 8 November 2016 (continued)

#### 4. Protection of IGO Names and Acronyms

##### a. The GAC advises the ICANN Board: (continued)

- iii. That, to facilitate the implementation of the above advice, the GAC invites the GNSO Working Group on Curative Rights Protection Mechanisms to take the small group proposal into account.
- iv. That, until such measures are implemented, IGO acronyms on the GAC-provided list remain reserved in two languages.

IGOs undertake global public service missions, and protecting their names and acronyms in the DNS is in the global public interest. IGOs are unique treaty-based institutions created by governments under international law. The small group compromise strikes a reasonable balance between rights and concerns of both IGOs and legitimate third parties. ICANN's Bylaws and Core Values indicate that the concerns and interests of entities most affected, here IGOs, should be taken into account in policy development processes.

## 2. GAC Advice on IGO Protections

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ICANN59 Johannesburg, 29 June 2017

### VI. GAC Consensus Advice to the Board<sup>2</sup>

The following items of advice from the GAC to the Board have been reached on the basis of consensus as defined in the ICANN Bylaws.<sup>3</sup>

#### 1. Intergovernmental Organization (IGO) Protections

- a. The GAC reiterates its Advice that IGO access to curative dispute resolution mechanism should:
    - I. be modeled on, but separate from, the existing Uniform Dispute Resolution Policy (UDRP)
    - II. provide standing based on IGOs' status as public intergovernmental institutions, and
    - III. respect IGOs' jurisdictional status by facilitating appeals exclusively through arbitration.
-