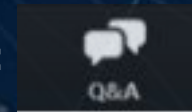


ICANN 68

VIRTUAL POLICY FORUM

How to ask questions and comment:

- Please use the Q&A pod to comments and ask questions:



- If time permits, verbal questions will be accepted. Please use the raised hand icon and you will be placed in the speaker queue



- When its your turn to speak, we will announce your name and unmute your mic.
- You will then be prompted to unmute



- Languages Available: English, Français, Español, 中文, العربية, Русский, Português
- Participation How-To Guide: <https://68.schedule.icann.org/participation-tools>
- Congress Rental Network Mobile App Download: <https://urlgeni.us/ICANN68-GET-APP>
- Token: ICANN68-GAC
- Participation How-To Guide: <https://68.schedule.icann.org/participation-tools>



Review our Expected Standards of Behavior when participating in ICANN Meetings.

Go to:

<http://go.icann.org/expected-standards>

Review the ICANN Community Anti-Harassment Policy when participating in ICANN Meetings.

Go to:

<http://go.icann.org/anti-harassment>



Do you have a question or concern for the ICANN Ombudsman?

Email ombudsman@icann.org to set up a meeting.



GAC IGO Curative and RPM WG Update

Brian Beckham (WIPO)

ICANN68 - GAC Session 11a.

24 June 2020

I C A N N | G A C

Governmental Advisory Committee

IGO Curative RPM Status

- Initial reservation in New gTLDs remains in place
 - Effort to compile list of full names concluded (future “ownership”)
- PDP on access to “curative” RPM
 - Internationally-recognized privileges and immunities
 - “brand protection” under Paris Convention
- Multi-year contentious / criticized process
 - GNSO Council approved recommendations in part
 - Intention to reconvene a **focused** “EPDP-like” WG
 - Recharter work undertaken
 - Chair selection outstanding (latest current status)

ICANN RPM Working Group

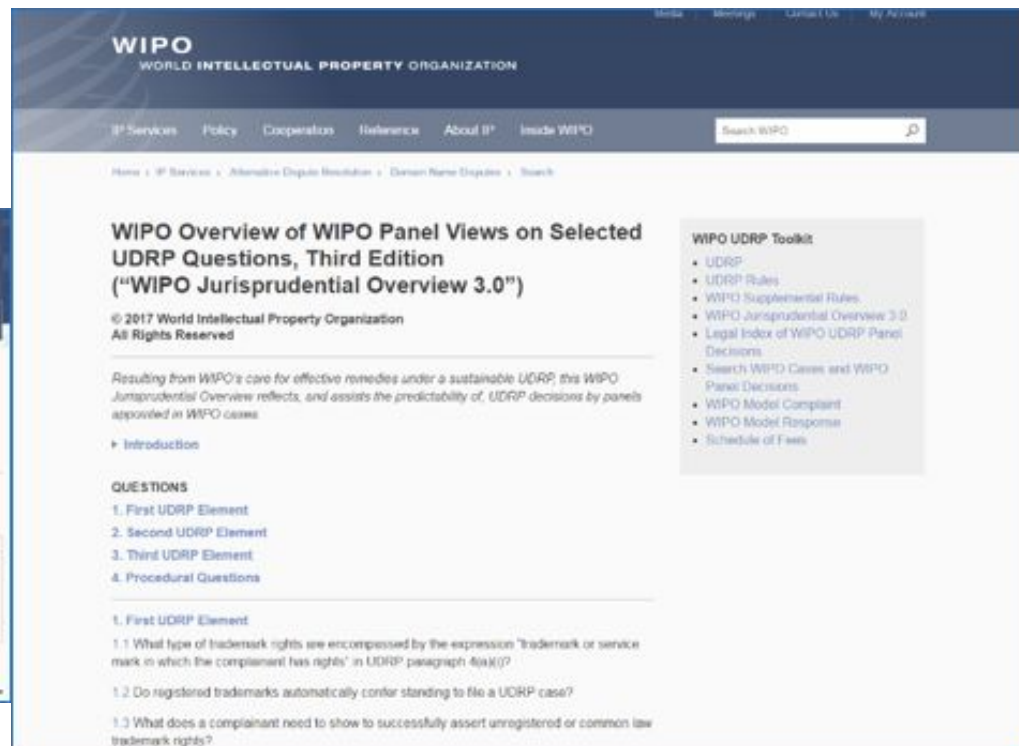
- 150 members
 - IP, domainers, civil society, registries/registrars
 - 3 co-chairs
 - 4+ years; token improvements
- Illustrative RPM WG observations (delays, open-ended data-gathering, re-litigating policy positions):
 - Should Apple have a trademark?
 - Does (Apple's) sunrise kill free speech?

Looking Ahead to the UDRP

- General:
 - To “mitigat[e] negative impact [of] cybersquatting ...ensuring the burden for business stakeholders [big and small] is minimized...”
- TMCH
 - Relation to National IP frameworks
 - “level playing field”
- Independent review
 - WG review / surveys
- UDRP
 - LA communique
 - September 2011 letter

Looking Ahead to the UDRP

- The leading global provider: WIPO Legal Staff cover 20 nationalities / languages
- Hundreds of WIPO Expert Domain Name Panelists covering many languages and countries
- Free public WIPO resources
 - Reflects consensus on substantive and procedural UDRP issues in thousands of WIPO cases



Looking Ahead to the UDRP

- WIPO's (1999) recommendation for resolving cybersquatting disputes, outside the courts: the Uniform Domain Name Dispute Resolution Policy (UDRP)
 - International (gTLDs, new gTLDs, many ccTLDs)
 - Simple remedy (transfer) for clear-cut cases of trademark abuse
 - Contractually mandated; direct enforcement via registrar
 - Insulates registries, registrars, ICANN, from trademark disputes/courts
 - Quick, cost-effective, predictable
 - Successfully under WIPO's stewardship: 20 years; 48,000 cases; 85,000 domain names
 - **Online brand and consumer protection**: unfair competitors, pretextual free speech, phishing, fraud, PPC, counterfeiting, employment scams, malware distribution, illegal prescription drugs

Looking Ahead to the UDRP

- Process
 - PDP 3.0?
 - Need to recharter
 - Bylaws
 - 1.2(a)(iv) [decisions based on expert advice]
 - 1.2(b)(i) [delegate policy functions to relevant external bodies]
 - 13.1(a) [take advantage of existing external expertise]
 - 13.1(b)(ii) [referral to multinational / treaty organization]
- Impact on substance?
 - 20 years, 45000+ WIPO cases, Jurisprudential Overview
- The stakes
 - Brand owners, consumers, registrants, CPHs