
Agenda Item 3: IGO-INGO Access to Curative Rights Protection Mechanisms

Issue

Ensuring that GAC advice on access by IGOs to curative rights protection mechanisms (that is, being able to take action against unauthorised use of IGO names and acronyms “after the event”, as opposed to preventative mechanisms) is taken into account in any ICANN policy outcomes.

GAC Action Required

Note that the GNSO Council is still considering a response to the [PDP Final Report](#).

Current Position

The GAC provided consensus advice to the ICANN Board in its [Panama City Communiqué](#) as follows:

The GAC advises the ICANN Board to:

- i. Maintain current temporary protections of IGO acronyms until a permanent means of protecting these identifiers is put into place;
- ii. Work with the GNSO and the GAC following the completion of the ongoing PDP on IGO-INGO access to curative rights protection mechanisms to ensure that GAC advice on protection of IGO acronyms, which includes the available “small group” proposal, is adequately taken into account also in any related Board decision; and
- iii. Continue working with the GAC in order to ensure accuracy and completeness of IGO contacts on the current list of IGO identifiers.

Rationale

The GAC continues to await the long-delayed completion of the PDP on IGO-INGO access to curative rights protection mechanisms.

As to (i), this PDP will have a direct impact on a permanent means of protecting IGO identifiers, which has been the subject of longstanding and consistent GAC advice.

As to (ii), the GAC provided input to the PDP’s draft report in 2017, notably on the issue of IGO immunities, as did individual members and observers. The final report should reflect that substantial input; noting that current indications are that the PDP recommendations will not adequately reflect the GAC’s advice on this topic, the GAC remains open to discussions with the GNSO and the Board to ensure that this is the case. The GAC notes that the work on this PDP began by at least mid-2014 and has yet to satisfactorily reach a positive resolution. The GAC moreover notes that a 2007 GNSO Issue Report provided a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the “small group” proposal. The temporary protections currently in place for IGO acronyms must remain in place until such time as the Board makes a decision regarding the most appropriate means to provide a permanent means for protecting these identifiers, given the irreparable harm that could result if these acronyms are released from the temporary reserve list before a permanent mechanism is established.

As to (iii), the GAC has previously advised the ICANN Board to allocate sufficient resources to ensure the accuracy and completeness of IGO contacts on the reserve list and awaits progress on this issue.

The Board has [responded](#) as follows:

- i. The Board will continue to maintain current temporary protections of IGO acronyms pending resolution of this issue.
- ii. The Board notes that on 9 July 2018 the Final Report from the IGO-INGO access to curative rights protection mechanisms PDP was submitted to the GNSO Council, and it is currently under review by the GNSO Council. The Board will consider any PDP recommendations that are approved by the GNSO Council and ensure that GAC advice is adequately taken into account in any Board decisions. The Board also welcomes the GAC's desire to work with it and the GNSO and the Board is open to suggestions from the GAC as to how it believes such collaboration can constructively take place.
- iii. The Board directs the ICANN org to provide adequate resources to assist the GAC in its endeavour to ensure accuracy and completeness of IGO contacts on the list of identifiers.

At the time of preparing this brief the GNSO Council was still considering its position on the PDP Final Report.

Document Administration

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