

Policy Development Process (PDP) Update

IGO & INGO Access to the Curative Rights Protection Mechanisms of the UDRP & URS

April 2018

Upcoming Important Dates

The Working Group (WG) is in the concluding stages of its work, having completed its review of all forty-six comments received (including from the GAC) to its Initial Report that had been published for public comment in late January 2017. It has considered new or additional facts, legal arguments and perspectives brought out through the public comments. The WG has been discussing various policy options that have been suggested concerning the remaining issue of IGO jurisdictional immunity, in cases where a judicial proceeding is filed by a losing registrant. The GNSO Council liaison to the WG is currently working with the WG to resolve a procedural question that was raised concerning the designation of consensus for the group's final recommendations. In this regard, the GNSO Council is expected to discuss appropriate next steps for completing the PDP work at one of its meetings before ICANN62.

Summary

This Policy Development Process (PDP) originated in a consensus recommendation from the GNSO's prior PDP Working Group on the Protection of International Organization Names in All gTLDs (IGO-INGO WG). This was for the GNSO Council to request an Issue Report, as a preceding step to a possible PDP to explore possible amendments to existing curative rights protection mechanisms, i.e. the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension (URS) procedure, to address the specific needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs).

Engagement Opportunity Status



On 2 June 2014 the GNSO Council [resolved](#) to initiate the PDP following its review of the [Final Issue Report](#), and on 25 June the GNSO Council [adopted](#) the charter for the PDP Working Group to be formed. On 20 January 2017 the WG [published](#) its Initial Report for public comment. As part of its preparation of its preliminary recommendations, the WG consulted an external legal expert on the question of IGO jurisdictional immunity, and reviewed the IGO Small Group Proposal that was submitted to the GAC and the GNSO Council in October 2016. The full text of the expert's legal opinion and the IGO Small Group Proposal are included as Annexes to the WG's Initial Report.

Input was received from the GAC, the United States Government and a number of IGOs during the public comment period for the Initial Report, as well as from various GNSO Stakeholder Groups and Constituencies and community members. The WG has reviewed all comments received as well as community input from ICANN59 and ICANN60. Its final recommendations are likely to include some modifications to its initial recommendations as a result of community input. At ICANN61, several WG members met with the GNSO Council liaison to the WG to provide their views on the options being considered on the remaining issue of IGO jurisdictional immunity. The general expectation is that the PDP is in its concluding stages, with next steps to be discussed with the GNSO Council.

Additional Information:

- Text of WG Initial Report: <https://gns0.icann.org/en/issues/igo-ingo-crp-access-initial-19jan17-en.pdf>
- PDP Charter (as adopted by the GNSO Council on 25 June 2014): <http://gns0.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf>
- Amended Charter provisions: <http://gns0.icann.org/en/council/resolutions#20150416-3>
- WG wiki space including background documents and latest updates on the WG's meetings and deliberations: <https://community.icann.org/x/37rhAg>
- Outline of the six policy options under consideration on the topic of IGO jurisdictional immunity: <http://mm.icann.org/pipermail/gns0-igo-ingo-crp/attachments/20180309/a7480dcf/AnnextoStrawManPaper-7March2018-0001.docx>.