

Policy Development Process (PDP) Update

Review of All Rights Protection Mechanisms in All gTLDs (PDP)

September 2017

Upcoming important dates

The Working Group has agreed on a final set of Charter questions and a list of data requirements for its review of the Sunrise and Trademark Claims processes offered through the TMCH. It has submitted a request to the GNSO Council for resources to conduct the extensive data gathering task. The GNSO Council will discuss whether or not to approve the request at its upcoming September meeting. The next step after Council approval is for ICANN staff to work out a detailed cost, budget and resource estimate for submission to ICANN Organization, which will evaluate the availability of the requested resources.

A Working Group Sub Team has completed a preliminary review of possible questions for examining Additional Marketplace RPMs currently being offered on a voluntary basis by some registry operators. The Sunrise, Trademark Claims and Uniform Rapid Suspension (URS) rights protection mechanisms (RPMs) are being reviewed in Phase One of this two-phased PDP. With the agreed need to collect and analyze data, the WG expects to be in Phase One mode through mid-2018.

Summary

The RPMs being reviewed in this PDP refer to those policies and processes that were developed to provide workable mechanisms for trademark owners to either prevent or remedy certain illegitimate uses of their trademarks at the second level of generic top-level domains (gTLDs). The most well-known of these RPMs is the *Uniform Dispute Resolution Policy* (UDRP), which has been an ICANN Consensus Policy since 1999. A number of additional RPMs were developed subsequently to supplement the UDRP as part of the 2012 New gTLD Program: the Trademark Clearinghouse (TMCH) and the associated Sunrise and Trademark Claims services, the URS, and the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP).

The GNSO Council chartered this Working Group to conduct the PDP in two phases. The first focuses on the review of all RPMs that have been developed for the 2012 New gTLD Program, and the second phase addresses the review of the UDRP.

The Working Group's recent completion of a list of data it will require in order to fully review the Phase One RPMs means that its completion date for Phase One is likely to be mid-2018. It is important to note that the Working Group's request for resources to assist with the data gathering task is consistent with a finding of the Competition, Consumer Protection & Consumer Trust (CCT) Review Team, which noted in its [preliminary report](#) that a robust analysis of whether the RPMs have helped mitigate the issues around the protection of trademark rights following the 2012 New gTLD Program round is not currently possible due to a lack of relevant and pertinent data.

Engagement Opportunity Status



Anyone may join the WG either as a full member or a mailing list observer. The Working Group will be actively soliciting information from a number of sources on data it needs for the reviews. It welcomes participation by the GAC in its work.

Additional Information

- PDP Charter: <http://gnso.icann.org/en/drafts/rpm-charter-26feb16-en.pdf>
- WG wiki space (containing all background material, meeting transcripts and draft documents of the WG): <https://community.icann.org/x/wCWAaw>