

Policy Development Process (PDP) Update

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

December 2016

Upcoming Important Dates

The WG has completed its initial deliberations over the policy options and practical alternatives for addressing the specific needs of IGOs in relation to curative rights protections (such as the UDRP and URS) at the second level in all gTLDs. The WG has also reviewed the IGO Small Group Proposal that was sent to the GAC and GNSO in October 2016. It is currently finalizing its preliminary recommendations to be published in its Initial Report for public comment in January 2017.

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.

The WG has preliminarily determined: (1) to exclude INGOs from consideration in the PDP, thus focusing only on IGOs; (2) that standing to file a complaint may appropriately be based on an IGO's having affirmatively sought protection under Article 6ter of the Paris Convention for the Protection of Industrial Property; and (3) that, based on the expert opinion of the external legal expert engaged for this purpose, the question of IGO jurisdictional immunity is not subject to a single universal rule and as such the applicability and scope of this principle varies across jurisdictions. It has considered how this conclusion might affect the Mutual Jurisdiction requirement currently in the UDRP and URS. It has also reviewed the IGO Small Group Proposal as part of its preparation of its Initial Report.

The WG is currently finalizing the text of its Initial Report, which it hopes to publish for public comment in January 2017.

The GAC, and GAC members and observers, are encouraged to provide input during the public comment period for the Initial Report, especially on topics which may have public international law and policy implications, so that these may be considered as part of the WG's preparation of its final recommendations to be included in its Final Report to the GNSO Council.

Additional Information:

- Charter for the PDP Working Group (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 research: <https://community.icann.org/x/37rhAg>
- Working text of draft Initial Report: <https://community.icann.org/download/attachments/62390631/Draft%20Initial%20Report%20-%202013%20Dec.pdf?version=1&modificationDate=1481814991000&api=v2>