

GNSO COUNCIL BRIEFING NOTE TO THE ICANN BOARD NEW gTLD PROGRAM COMMITTEE REGARDING PROGRESS OF THE NEW POLICY DEVELOPMENT PROCESS TO EXPLORE ACCESS TO CURATIVE RIGHTS PROTECTION MECHANISMS BY CERTAIN INTERNATIONAL ORGANIZATIONS

Summary & Key Dates

On **5 June 2014** the GNSO Council voted to initiate a *new* Policy Development Process (PDP), to explore possible amendments to the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension (URS) procedure in order to enable access to and use of such curative rights protection mechanisms by protected International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs). On **25 June 2014** the GNSO Council approved the [Charter](#) for the new Working Group (WG) to be formed for this PDP. The first meeting of the new WG is scheduled for **11 August 2014**.

Background

One of the consensus recommendations from the GNSO's Working Group on the Protection of International Organization Names in All gTLDs (IGO-INGO WG) was for the GNSO Council to request an Issue Report (in accordance with the ICANN Bylaws as a mandatory preceding step to a possible PDP) relating to the access to and use of curative rights protection mechanisms by IGOs and INGOs. This was one of the consensus recommendations unanimously adopted by the GNSO Council in November 2013.

The [Preliminary Issue Report](#) (relating to the access to and use of curative rights protection mechanisms by IGOs and INGOs) was published for public comment on 10 March 2014, and a [Final Issue Report](#) taking into account all public comments received was prepared for the GNSO Council. On 5 June 2014 the GNSO Council [resolved](#) to initiate the PDP, and on 25 June 2014 the GNSO Council [adopted](#) the charter for the PDP Working Group to be formed. Following this, a [Call for Volunteers](#) to participate in the Working Group (WG) was sent out to all ICANN Supporting Organizations and Advisory Committees, and published on the GNSO website as well as through other ICANN-supported communications channels, including social media networks. The first meeting of the new WG is scheduled for Monday 11 August 2014.

Scope of the new PDP

The original IGO-INGO WG had previously drawn up a list of IGO and INGO names and acronyms for which certain protections, either at the top or the second level, were [recommended](#). As the new PDP stems from and is based on the consensus recommendations of that WG, the scope of this PDP is limited to considering only those IGO and INGO names and acronyms for which the IGO-INGO WG had agreed would be accorded protection.

This new PDP WG was expressly chartered by the GNSO Council to "evaluate: (i) whether the UDRP and/or URS should be amended (to enable their access and use by IGOs and INGOs whose identifiers had been recommended for protection by the IGO-INGO PDP WG) and if so, in what way; or (ii) whether a separate narrowly-tailored procedure modeled on these curative rights protection measures to apply only to protected IGO and INGO identifiers should be developed." The WG's [Charter](#) also lists certain early-stage actions to be taken by the WG, including gathering data on the number of IGOs that have sought protection under Article 6ter

of the Paris Convention for the Protection of Industrial Property and the scope of legal protection thereunder, as well as data on the extent of abusive second level registrations for IGO and INGO identifiers. In addition, the Charter directs the WG to consider prior ICANN community efforts (including the 2003 ICANN President's Joint Working Group on the WIPO-2 Process) and reach out to UDRP and URS service providers and panelists for their input.

IGO representatives and various GNSO stakeholders were among those who provided [public comments](#) on the Preliminary Issue Report, which were taken into account in the preparation of the Final Issue Report. The GNSO's [Working Group Guidelines](#) require also that input from ICANN's Supporting Organizations and Advisory Committees be sought early in the PDP. The GNSO and the GAC have also committed to exploring options to enable the GAC to engage early in a PDP; actions taken so far include the provision to the GAC of a monthly update on each PDP and other GNSO activity. As part of its ongoing effort to improve the PDP, the GNSO Council recently approved the participation of volunteers as Observers rather than full members of a WG. Observers follow the WG mailing list but do not participate in WG meetings or discussions; they can, however, change their status to member at any time. This IGO-INGO Access to Curative Rights Protection Mechanisms WG will be the first PDP WG to employ this new option.

Timing of the new PDP

As the new PDP has just been launched and the WG formed, it is not possible at this time to provide a detailed time line; however, it should be noted that the GNSO's WG Guidelines require each WG to prepare a Work Plan at an early stage. The GNSO Council had also expressly requested that this PDP should be conducted in an expedited fashion. It is expected that, in accordance with usual practice, this WG will prepare a Work Plan as one of its first tasks, including projected milestones. In addition, the WG will likely also conduct a face-to face community session at the ICANN meeting in Los Angeles in October.

Further Information

- IGO-INGO WG Final Report (Nov 2013): <http://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>
- Preliminary Issue Report on IGO-INGO Access to UDRP & URS (March 2014): <http://gnso.icann.org/en/issues/igo-ingo-crp-prelim-10mar14-en.pdf>
- Report of Public Comments received on the Preliminary Issue Report: <https://www.icann.org/news/public-comment/report-comments-igo-ingo-crp-prelim-16may14-en.pdf>
- Final Issue Report on IGO-INGO Access to UDRP & URS (May 2014): <http://gnso.icann.org/en/drafts/igo-ingo-crp-final-25may14-en.pdf>
- Charter for new PDP Working Group (as adopted by the GNSO Council on 25 June 2014): <http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf>

Policy Staff Contact

- Marika Konings (marika.konings@icann.org)
- Mary Wong (mary.wong@icann.org)

List of Protected IGO-INGO Identifiers (as recommended by the GNSO PDP Working Group on the Protection of IGO & INGO Identifiers in All gTLDs and adopted by the GNSO Council)

Important Note: The scope of protection that the WG recommended for the various Scope 1 and Scope 2 identifiers are not identical. Where some were recommended for top-level protection (e.g. as Strings Ineligible for Delegation, others were recommended for second-level protection (e.g. through entry into the Trademark Clearinghouse and eligibility for a 90-days claims notification process). For the full set of protections recommended, see the WG's [Final Report](#) of 10 November 2013.

#	Red Cross Red Crescent Movement (RCRC) Identifiers
	<ul style="list-style-type: none"> ○ Scope 1 Identifiers¹: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ Scope 2 Identifiers: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)

#	International Olympic Committee (IOC) Identifiers
	Scope 1 Identifiers : olympic, olympiad (Language: UN6, + German, Greek, and Korean) ^{2,3}

#	International Governmental Organization (IGO) Identifiers
	<ul style="list-style-type: none"> ○ Scope 1 Identifiers: GAC List⁴ (22 March 2013) - Full Name (Language: Up to two languages⁵) ○ Scope 2 Identifiers: GAC List (22 March 2013) - Acronym (Language: Up to two languages)

#	International Non-Governmental Organizations (INGO) Identifiers (other than RCRC & IOC)
	<ul style="list-style-type: none"> ○ Scope 1 Identifiers: ECOSOC List⁶ (General Consultative Status) (Language: English only) ○ Scope 2 Identifiers: ECOSOC List (Special Consultative Status) (Language: English only) (See http://csonet.org/content/documents/E2011INF4.pdf)

¹ The Scope 1 identifiers for RCRC are already placed on the reserved list:<http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>.

² The Scope 1 identifiers for IOC are already placed on the reserved list:
<http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>.

³ The IOC did not request protections for acronyms.

⁴ List of IGO Full Name & Acronym (Scope 1 & 2) Identifiers from GAC Advice:
<http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf>

⁵ The WG noted that “IGO Representatives collaborating with the GAC are to provide a list of the two languages each organization prefers because ICANN may not be in a position to determine which languages should be reserved for each of the 190+ organizations on the GAC list (UN6 is the standard scope for which ICANN conducts translations.)”

⁶ The WG noted that “the Implementation Recommendations Team (IRT) to be formed in relation to this PDP will need to determine how this list is managed as new organizations enter the ECOSOC list.”

