

ICANN | GAC

Governmental Advisory Committee

23 May 2019

Keith Drazek
GNSO Council Chair

Cc: Cherine Chalaby, Chair, ICANN Board of Directors

Subject: IGO Access to Curative Rights Mechanism: Next Steps

Dear Keith,

As discussed during our recent GAC/GNSO Leadership meeting, we would like to follow up on the GNSO Council [resolution](#) (18 April 2019) approving recommendations 1 to 4 of the [Final Report](#) from the PDP Working Group on the IGO-INGO Access to Curative Rights Protection Mechanisms, and directing further work on recommendation 5 as part of Phase 2 of the Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group.

As anticipated and indicated in our previous correspondence¹, this outcome is inconsistent with longstanding GAC Consensus Advice on this issue of public policy importance. In this context, the GAC [advised](#) the ICANN Board (25 October 2018) to “*facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC*” on this matter. The ICANN Board [responded](#) (27 January 2019) that it “*stands ready to facilitate a substantive, solutions-oriented discussion should it be invited to do so by the GNSO and the GAC*”.

Considering the inability of bilateral engagement between the GAC and GNSO to solve this issue to date², as confirmed by your indication in our most recent call (22 May 2019) that the GNSO is not in a position to further discuss Recommendations 1-4 and that this matter is now in the hands of the ICANN Board to accept or reject, the GAC would be grateful if the GNSO Council could confirm its willingness to participate in a Board facilitation. Indeed, given the unique history and sensitivities of this longstanding issue,

¹ See GAC correspondence to GNSO Council on [9 August 2018](#), [21 October 2018](#) and [17 April 2019](#).

² Bilateral engagement on this matter includes: GAC correspondence (listed above) and related GNSO Council responses of [21 October 2018](#) and [14 January 2019](#), the GAC/GNSO Leadership call on 5 September 2018, a special GAC and GNSO Leaders call on 14 February 2019 with the newly seated Council, as well as face-to-face sessions during ICANN meetings, in particular during [ICANN63](#) (21 October 2018) and [ICANN64](#) (10 March 2019).

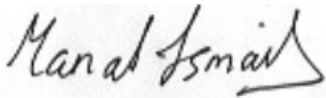
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we think that a collective effort to reach a solution is the only way to bring this issue to a close while preserving the integrity of the multi-stakeholder model.

We would appreciate your expeditious response by Friday 31 May so that appropriate actions can be taken in time for the ICANN65 meeting in Marrakech.

In the meantime, the GAC would also appreciate being kept apprised of ongoing GNSO Council efforts to define the scope and terms of new policy work on Recommendation 5.

Sincerely,

A handwritten signature in black ink that reads "Manal Ismail". The signature is written in a cursive style with a long, sweeping underline.

Manal Ismail
Chair, Governmental Advisory Committee (GAC)