

## **Policy Development Process (PDP) Update**

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

December 2015

### **Upcoming important dates**

Staff is currently preparing the Final Issue Report, which will then be forwarded to the GNSO Council for its consideration. Based on the Final Issue Report, and taking into account staff recommendations, the GNSO Council will then decide on whether or not to initiate a Policy Development Process (PDP).

### **Summary**

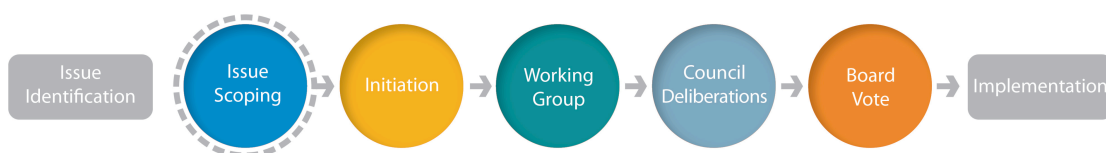
The ‘rights protection mechanisms’ (RPMs) in this Preliminary Issue Report are concerned with those policies and processes that are aimed at combatting cyber-squatting and providing workable mechanisms for trademark owners to either prevent or remedy certain illegitimate uses of their trademarks at the second level of generic top level domains (gTLDs). The most used of these is the *Uniform Dispute Resolution Policy* (UDRP) that has been an ICANN Consensus Policy since 1999. A number of additional RPMs were developed subsequently to supplement the UDRP as part of the New gTLD Program: the Trademark Clearinghouse (TMCH), the Sunrise and Trademark Claims service periods, the Uniform Rapid Suspension procedure (URS), and the Post-Delegation Dispute Resolution Procedures (PDDRPs).

The Preliminary Issue Report outlines three possible scenarios on how to proceed for which ICANN staff sought community input:

1. Launch a PDP to review all RPMs in all gTLDs;
2. Launch a PDP but include a mandatory review requirement to allow the GNSO to adjust its timeline and Work Plan (if needed) as soon as CCT Review results are available; or
3. Conduct a PDP review of all RPMs in two phases, with the first phase being only a review of the new gTLD RPMs and then proceeding with a review of the UDRP taking into account the results of the work in the first phase.

Most comments submitted indicate a preference for the third option, and staff is likely to follow community preferences in its recommendations contained in the final Issue Report.

### **Early Engagement Summary**



In case the GNSO Council decides to launch a Policy Development Process, a call for volunteers will be sent out to all SO/ACs to form a PDP Working Group.

### **Additional Information**

- Preliminary Issue Report: <http://gnso.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>
- Public Comment Forum: <https://www.icann.org/public-comments/rpm-prelim-issue-2015-10-09-en>
- Report on public comments: <https://www.icann.org/en/system/files/files/report-comments-rpm-prelim-issue-02dec15-en.pdf>