
Policy Development Process: International Governmental Organization-International Non-Governmental Organization Access to Curative Rights Protection Mechanisms

WHAT CAN I EXPECT AT ICANN60 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will be holding an open meeting on Wednesday, 1 November, from 17:00-18:30. At this session, the WG plans to present its proposed final recommendations for this PDP for community feedback, prior to completing its Final Report for the GNSO Council. All community members are welcome to attend this session, especially those with expertise or interest in the topics of domain name dispute resolution and the use by international organizations of these processes.

WHAT IS THIS PDP ABOUT?

This PDP was initiated in June 2014 by the GNSO Council to consider whether existing curative rights mechanisms should be modified to address the needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs). Their needs are related to protection for their names and acronyms at the second-level of the domain name system, in both existing and new generic top-level domains (gTLDs). The existing mechanisms are, namely, the Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS) dispute resolution procedure.

WHY IS THIS IMPORTANT?

Protecting the names and acronyms of IGOs and INGOs at the top-level and second-levels has been a long-standing issue over the course of the New gTLD Program. The GNSO had previously recommended certain protective measures to the ICANN Board. However, those recommendations did not address the topic as to whether existing domain name dispute resolution procedures provided adequate protection for IGO and INGO names and acronyms. The GNSO Council subsequently tasked this WG to consider: (1) whether the UDRP and URS should be amended to resolve the problems faced by IGOs and/or INGOs and if so, in what way; or (2) if a separate, narrowly tailored dispute resolution procedure should be developed to apply only to IGOs and/or INGOs.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The WG's preliminary recommendations, as published for public comment, essentially recommended that no changes be made to either the UDRP or URS and that no specific new process be developed for IGOs. The WG also developed some specific recommendations for IGOs, including the basis upon which an IGO may demonstrate standing to file a complaint under the UDRP and URS, as well as the issue of IGO jurisdictional immunity. Community feedback was received during the public comment period on all of the WG's preliminary recommendations. The WG has completed its review of all public comments received, including input from the Governmental Advisory Committee (GAC), a number of IGOs, and the broader ICANN community during the WG's open session at ICANN59. As a result, the WG intends to modify a few of its preliminary recommendations, and hopes that its proposed final recommendations will meet with acceptance from the community.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG will complete its Final Report following the community discussions at ICANN60. It is aiming to submit the Final Report to the GNSO Council for the Council's review and action before the end of 2017.

HOW CAN I GET INVOLVED?

The open community session at ICANN60 is an excellent opportunity to comment on the WG's proposed final recommendations. While it is in a late stage in its work, the WG continues to be open to anyone. Please contact the GNSO Secretariat at gnso-secs@ICANN.org to be added to the mailing list.

MORE INFORMATION

- WG Initial Report containing preliminary recommendations: goo.gl/mg60wl
- Public Comment of the WG Initial Report: goo.gl/g5Hc0x
- PDP Webpage: gnso.icann.org/en/group-activities/active/igo-ingo-crp-access
- WG Workspace: community.icann.org/x/37rhAg
- WG Charter: gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14

BACKGROUND

IGOs and INGOs face certain challenges in fully using the UDRP and URS for a number of reasons. IGOs see the Mutual Jurisdiction requirement for both processes as jeopardizing their jurisdictional immunity status. For both IGOs and INGOs, the fact that the UDRP and URS were designed as protective mechanisms for trademark owners means that they cannot use these procedures unless they also own trademarks in their names and/or acronyms. Both types of organizations are also concerned about the cost involved in using these procedures, which means diverting resources and funds from their primary missions. The GAC has issued advice on the topic which the WG continues to take into account in its deliberations.

STAFF RESPONSIBLE: Mary Wong, Steve Chan