

Review of all Rights Protection Mechanisms in All gTLDs Policy Development Process

WHAT CAN I EXPECT AT ICANN57 IN RELATION TO THIS TOPIC?

The Working Group (WG) welcomes all community members to its open meeting on Monday 7 November (11:00 – 12:15). At this session, the WG will review recent feedback received from the dispute resolution providers for the Trademark Post-Delegation Dispute Resolution Procedure and seek to wrap up its initial review of this procedure. It hopes to also present an amended list of questions from its Charter concerning the Trademark Clearinghouse to the community for initial feedback. The TM-PDDRP and the TMCH are the first, consecutive rights protection mechanisms (RPMs) to be reviewed in this phase of the WG's two-phased PDP.

WHAT IS THIS PDP ABOUT?

This PDP is being conducted in two phases. Phase One will cover the review all RPMs applicable to gTLDs launched under the 2012 New gTLD Program, namely (and in order of their review) the Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP), the Trademark Clearinghouse (TMCH), verified data of which supports additional protection mechanisms available during the Sunrise and Trademark Claims service periods, and the Uniform Rapid Suspension dispute resolution procedure (URS). Phase Two will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999.

WHY IS THIS IMPORTANT?

The UDRP is a long-standing Consensus Policy that has never undergone any substantial review and some community feedback indicates that, although in principle a functioning Policy, it might have some procedural and substantive shortcomings. In addition, a review of the RPMs developed specifically for the 2012 New gTLD program merit review in order to improve their applicability and usefulness, in particular if there is to be a further expansion of the gTLD space. This PDP is also intended to create a coherent and uniform mechanism for future reviews of all RPMs.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The GNSO Council initiated the PDP on 18 February 2016 and chartered the Working Group in March 2016. The WG began meeting in April, and is commencing its Phase One review with looking at the TM-PDDRP and gathering data for the TMCH review. At ICANN57, the WG plans to complete its initial review of the TM-PDDRP and gather community feedback on the scope of its planned review of the TMCH.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG will coordinate its timelines and work with other ongoing, related efforts, such as the New gTLD Subsequent Procedures PDP, the Competition, Consumer Choice and Consumer Trust Review, and the TMCH Independent Review. It expects to complete Phase One by early 2018, at which point it will publish a Preliminary Report on its recommendations regarding the 2012 New gTLD Program RPMs for public comment.

HOW CAN I GET INVOLVED?

The WG is open to all, who may join as either a Member (with full posting rights to the mailing list and the ability to participate in all WG meetings) or as an Observer (with read-only status for the mailing list). Please email the GNSO Secretariat at gnso-secs@ICANN.org if you wish to join the group. You can also attend the WG's open meeting on Monday 7 November.

MORE INFORMATION

- Final Issue Report: gnso.ICANN.org/en/issues/new-gtlds/11jan16-en.pdf
- Working Group Charter: community.ICANN.org/x/2CWAaw
- Working Group Collaborative Wiki Space: community.ICANN.org/x/wCWAaw
- Link to RPM PDP: gnso.ICANN.org/en/group-activities/active/rpm

BACKGROUND

In October 2011, prior to the launch of the 2012 New gTLD Program, ICANN staff published a Final Issue Report on the current state of the UDRP. The recommended course of action in that UDRP Report was not to initiate a PDP at the time, but to hold off doing so until after the new URS had been in operation for at least eighteen (18) months. The GNSO Council followed this recommended course of action and staff published a new Preliminary Issue Report in September 2015 that covered all existing RPMs. The Final Issue Report was published in January 2016, and outlined the two-phased approach that was eventually adopted by the GNSO Council.

STAFF RESPONSIBLE: Mary Wong and David Tait