

## GNSO POLICY DEVELOPMENT UPDATE

ISSUE: IGO & INGO Access to the Curative Rights Protection Mechanisms of the UDRP & URS

UPCOMING IMPORTANT DATES: The GAC's response to the WG's December 2014 for input was received in early May. Initial input from IGO representatives was received in Jan 2015, with a follow-up from the WG sent in early April. The WG continues to discuss issues raised by its Charter, including on IGO immunity, and welcomes further engagement with the GAC.

### SUMMARY

This effort originated in a consensus recommendation from the GNSO's prior Working Group on the Protection of International Organization Names in All gTLDs (IGO-INGO WG). This was for the GNSO Council to request an Issue Report, as a preceding step to a possible Policy Development Process (PDP), to explore possible amendments to existing curative rights protection mechanisms, i.e. the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension (URS) procedure, to address the specific needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs).

### ENGAGEMENT OPPORTUNITY STATUS



On 2 June 2014 the GNSO Council [resolved](#) to initiate the PDP following its review of the [Final Issue Report](#), and on 25 June the GNSO Council [adopted](#) the charter for the PDP Working Group to be formed. The WG has made significant progress in its deliberations over the topics outlined in its charter, which tasks it to also consider the possibility of developing a separate, narrowly tailored dispute resolution procedure based on the UDRP and/or URS, to apply specifically to those IGOs and INGOs whose identifiers had previously been recommended for protection by the original IGO-INGO WG.

The WG has preliminarily determined: (1) to exclude INGOs from further consideration in the PDP, thus focusing only on IGOs; and (2) that standing to file a complaint may appropriately be based on an IGO's having affirmatively sought protection under Article 6ter of the Paris Convention for the Protection of Industrial Property. The WG notes that this is purely a preliminary procedural issue, and does not mean it will necessarily be recommending either amending the existing processes or developing a new one. It is currently considering the issue of an IGO's immunity from suit, and how this might affect the Mutual Jurisdiction requirement currently in the UDRP and URS.

The WG continues to welcome input from the GAC, especially on topics such as IGO immunity, which may have public international law and policy implications.

ADDITIONAL INFORMATION:

- Final Issue Report on IGO-INGO Access to UDRP & URS processes:  
<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>
- WG wiki space including background documents and latest research:  
<https://community.icann.org/x/37rhAg>