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# Policy Development Process: Review of All Rights Protection Mechanisms in All Generic Top-Level Domains

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## **WHAT CAN I EXPECT AT ICANN63 IN RELATION TO THIS TOPIC?**

The Policy Development Process (PDP) Working Group (WG) will be holding four open meetings on Sunday, 21 October 2018 (two 90-minute sessions) and Monday, 22 October 2018 (one 60-minute session and one 90-minute session). Please check the ICANN63 meeting schedule for actual times and meeting locations. All community members are welcome to attend all the WG's open sessions. The WG will be continuing its review of the Rights Protection Mechanisms (RPMs) covered by Phase One of this two-phased PDP.

## **WHAT IS THIS PDP ABOUT?**

This PDP is being conducted in two phases. Phase one covers all the RPMs applicable to generic top-level domains (gTLDs) launched under the 2012 New gTLD Program. These RPMs include, the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP), the Trademark Clearinghouse (TMCH), the Sunrise and Trademark Claims services that are offered through the TMCH, and the Uniform Rapid Suspension (URS) dispute resolution procedure. Phase two will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999. The WG is currently in phase one and hopes to complete this stage of work by mid-2019.

## **WHY IS THIS IMPORTANT?**

Community feedback on the RPMs developed for the 2012 New gTLD Program indicated a need to review their application and scope, especially if there is to be a further expansion of the gTLD space. The 2012 New gTLD Program RPMs are new mechanisms that have now been in use for several years. The UDRP is a long-standing Consensus Policy that has never undergone any substantial review. By the conclusion of both phases of this PDP, the WG is expected to have considered the overarching issue as to whether all the RPMs collectively fulfill the purposes for which they were created, or whether additional policy recommendations are needed. The outcomes of this PDP are also intended to create a coherent and uniform mechanism for future reviews of all RPMs.

### **WHAT IS THE CURRENT STATUS OF THIS PROJECT?**

The Generic Names Supporting Organization (GNSO) Council initiated the PDP on 18 February 2016 and chartered the WG in March 2016. The WG began its phase one work with reviewing the TM-PDDRP, which was completed in late 2016. The WG has also largely completed an initial review of the structure and scope of the TMCH.

The WG recently launched an extensive data collection exercise, involving professionally-designed surveys of targeted respondent groups, to obtain quantitative and anecdotal evidence that can assist with its review of the Sunrise and Trademark Claims services that are offered through the TMCH. The ICANN organization commissioned Analysis Group, Inc., an external consulting firm, to develop and administer the surveys in collaboration with the WG. The surveys were **launched** on 6 September and widely distributed inside and outside of the ICANN community. Analysis Group is expected to present initial survey findings at ICANN63. Read the **Inception Report** to learn more about the survey effort.

While this data gathering effort is ongoing, the WG has continued with its review of the URS dispute resolution procedure. Based on feedback provided by URS providers and experienced URS practitioners, as well as analysis of URS cases, three sub teams proposed **operational fixes and policy recommendations** to enhance the URS mechanism. The WG completed initial deliberations on all sub team proposals in September 2018. Individual WG members also submitted **thirty-three proposals** for WG discussion.

### **WHAT ARE THE EXPECTED NEXT STEPS?**

The WG is aiming to complete the initial URS review around the ICANN63 timeframe. Following its review of the Sunrise and Trademark Claims survey results, it will begin to develop potential recommendations for Sunrise, Trademark Claims, and the TMCH in general and finalize its preliminary recommendations for all the phase one RPMs.

The WG is aiming to publish a Preliminary Report on its phase one recommendations for public comment by end-March 2019. In this regard, the WG will continue to coordinate its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures PDP, and the Competition, Consumer Choice, and Consumer Trust Review.

### **HOW CAN I GET INVOLVED?**

The WG is open to all. You 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](mailto:gnso-secs@icann.org) if you wish to join the group.

As the WG has operated for a substantial amount of time and progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

### **MORE INFORMATION**

- PDP Webpage: <http://gnso.icann.org/en/group-activities/active/rpm>
- WG Workspace: <https://community.icann.org/x/wCWAaw>
- WG Charter: <https://gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf>
- Final Issue Report: <https://go.icann.org/2BvPivt>

### **BACKGROUND**

In October 2011, prior to the launch of the 2012 New gTLD Program, ICANN org published a Final Issue Report on the current state of the UDRP. The recommended course of action at the time was for the GNSO Council to hold off from initiating a PDP until after the new URS had been in operation for at least 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 that led to this current PDP was published in January 2016 and outlined the two-phased approach that was eventually adopted by the GNSO Council.

**Staff Responsible:** Mary Wong, Julie Hedlund, Ariel Liang, Berry Cobb (consultant)