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

WHAT CAN I EXPECT AT ICANN66 IN RELATION TO THIS TOPIC?

The Review of All Rights Mechanisms (RPMs) in All Generic Top-Level Domains (gTLDs) Policy Development Process (PDP) Working Group will be holding four open meetings on Saturday, 2 November 2019 (two 90-minute sessions) and Sunday, 3 November 2019 (one 90-minute session). Please check the ICANN66 meeting schedule for actual times and meeting locations. All community members are welcome to attend all the open sessions. The working group will be continuing its review of the RPMs covered by Phase 1 of this two-phased PDP.

WHAT IS THIS PDP ABOUT?

This PDP is being conducted in two phases. Phase 1 covers all the RPMs applicable to generic top-level domains (gTLDs) launched under the 2012 New gTLD Program. These RPMs include: Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP); Trademark Clearinghouse (TMCH); Sunrise and Trademark Claims services that are offered through the TMCH; and Uniform Rapid Suspension (URS) dispute resolution procedure. Phase 2 will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999. The working group is currently in Phase 1 and hopes to complete this stage of work by April 2020.

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 further expansion of the gTLD space. The 2012 New gTLD Program RPMs are 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 working group 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 outcome of 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 Generic Names Supporting Organization (GNSO) Council initiated the PDP on 18 February 2016 and chartered the working group in March 2016. The working group began its Phase 1 work with reviewing the TM-PDDRP, which was completed in late 2016, and has mostly completed an initial review of the structure and scope of the TMCH.

By the end of ICANN63 in October 2018, the working group completed its preliminary review of the URS dispute resolution procedure, including the deliberation on a number of **proposals** from individual members and sub teams. It also completed a data collection exercise, involving **professionally designed surveys** of targeted respondent groups, to obtain both quantitative and anecdotal evidence that can assist with its review of Sunrise and Trademark Claims that are offered through the TMCH.

After ICANN63, the working group has been focusing on the review of the Sunrise and Trademark Claims services. In December 2019, two sub teams were formed to analyze all Sunrise and Trademark Claims related data that the working group has collected, with an aim to answer the agreed charter questions. The sub teams completed their data analysis before ICANN64.

Based on the outcome of the data analysis, the sub teams then focused on developing preliminary recommendations for Sunrise and Trademark Claims. They used the sessions at ICANN65 to finalize this work. Following the ICANN65 meeting, the working group endorsed the sub teams' **Sunrise and Trademark Claims recommendations** for inclusion in the PDP Phase 1 Initial Report.

Since August 2019, the working group has focused on completing the review of the structure and scope of the TMCH. The working group also deliberated on **additional proposals** for policy recommendations related to the TMCH. The TMCH review is expected to be completed just prior to ICANN66.

In ICANN66, the working group expects to discuss all preliminary recommendations identified for inclusion in the Initial Report for the URS, Sunrise and Trademark Claims services, and the TMCH.

continued **POLICY DEVELOPMENT PROCESS: REVIEW OF ALL RIGHTS PROTECTION MECHANISMS IN ALL GENERIC TOP-LEVEL DOMAINS**

WHAT ARE THE EXPECTED NEXT STEPS?

The working group is aiming to publish an Initial Report on Phase 1 recommendations for Public Comment in January 2020. It will continue coordinating 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 working group 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 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.

As the working group 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**

- Working Group Workspace: **https://community.icann.org/x/wCWAAw**

- Working Group 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 organization 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)