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

WHAT CAN I EXPECT AT ICANN59 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will be holding an open meeting on _Thursday, 29 June (Day 4) at 09:00-12:00_. All community members are welcome to attend this session. The WG is expected to continue its review of the Trademark Clearinghouse (TMCH) and the various rights protection mechanisms offered through TMCH, as part of 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 Rights Protection Mechanisms (RPMs) applicable to generic top-level domains (gTLDs) launched under the 2012 New gTLD Program, namely the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP), the TMCH, the Sunrise and Trademark Claims services that are offered through the TMCH, 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?

Community feedback on the RPMs developed for the 2012 New gTLD Program indicated a need to certain aspects of their application and scope, especially if there is to be a further expansion of the gTLD space. The UDRP is a long-standing Consensus Policy that has never undergone any substantial review. Previous community feedback had indicated that, although in principle a functioning Policy, it might have some procedural and substantive shortcomings. 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 and gathering data for the TMCH review. It is currently wrapping up its initial review of the structure and scope of the TMCH, and preparing to start its review of the Sunrise and Trademark Claims services that are offered through the TMCH.

WHAT ARE THE EXPECTED NEXT STEPS?

Depending on its progress at ICANN59, the WG will aim to complete its review of all the RPMs developed for the 2012 New gTLD Program (i.e. Phase One of this PDP) by early 2018, at which point it will publish a Preliminary Report on its recommendations regarding these RPMs for Public Comment. 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** if you wish to join the group.

MORE INFORMATION

- PDP Webpage: **gnso.icann.org/en/group-activities/active/rpm**
- WG Workspace: **community.icann.org/x/wCWAAw**
- WG Charter: **gnso.icann.org/en/drafts/rpm-charter-15mar16**
- Final Issue Report: **goo.gl/DwQY9w**

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 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.

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