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

WHAT CAN I EXPECT AT ICANN68 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 one open meeting on Tuesday, 23 June 2020 from 02:00-03:30 UTC. Please check the ICANN68 meeting schedule for confirmed times. The working group is expected to focus on reviewing the public comments on its Phase 1 Initial Report. All community members are welcome to attend the open session. The working group also expects to hold a regular meeting during the week of ICANN68 to continue advancing its work.

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 the 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 mid-October 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. From October 2018 to October 2019, the working group sequentially completed its initial review of the URS dispute resolution procedure, Sunrise and Trademark Claims services, and the structure and scope of the TMCH. At the ICANN67 meeting in March 2020, the working group completed the review of the draft Phase 1 Initial Report.

The Phase 1 Initial Report was published on 18 March 2020 for **public comment**, which was closed on 4 May 2020. From late May 2020, the working group started reviewing the public comments received from fifty-five (55) contributors in order to finalize its Phase 1 recommendations. Two sub teams were formed to conduct concurrent analysis of the extensive comments, using a **public comment review tool** developed by support staff. The working group is expected to provide an update on its public comment review progress during its public session at ICANN68.

WHAT ARE THE EXPECTED NEXT STEPS?

The working group's review of the Public Comments may lead to its consensus to:

• Amend, add, and/or remove its preliminary recommendation published in this Initial Report;

• Make final consensus recommendations on any of the proposals submitted by individual working group members that are published in this Initial Report.

The working group aims to deliver its Final Report on Phase 1 recommendations to the GNSO Council in mid-October 2020. It will continue coordinating its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures PDP, and the relevant recommendations from the Competition, Consumer Trust, and Consumer Choice 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 already been in operation for a substantial amount of time and is transitioning toward developing its Phase 1 Final Report, 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