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

WHAT CAN I EXPECT AT ICANN67 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, 7 March 2020, Sunday, 8 March 2020, and Monday, 9 March 2020. Please check the ICANN67 meeting schedule for actual times and meeting locations. The working group is expected to focus on reviewing its draft Phase 1 Initial Report. All community members are welcome to attend all of the open sessions.

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 the end of August 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. By the end of ICANN63 in October 2018, the working group completed its initial review of the URS dispute resolution procedure. Following the ICANN65 meeting in June 2019, the working group completed its review of Sunrise and Trademark Claims services by endorsing a list of **preliminary recommendations and questions for community input** developed by its sub teams.

Prior to the ICANN66 meeting in October 2019, the working group completed its review of the structure and scope of the TMCH and decided on the **proposals** to publish in the Initial Report seeking community input. During and after the ICANN66 meeting, the working group focused on finalizing all preliminary recommendations identified for inclusion in the Initial Report for the URS and the Sunrise and Trademark Claims services.

In January 2020, the working group narrowed down the list of **URS proposals** submitted by individual working group members for inclusion in the Initial Report. These URS individual proposals did not rise to the level of working group preliminary recommendations. In the meantime, the working group began the review of its draft Phase 1 Initial Report, which is expected to be published shortly after the ICANN67 meeting. In Cancún, the working group is expected to focus on completing the review of the draft Phase 1 Initial Report.

WHAT ARE THE EXPECTED NEXT STEPS?

The working group aims to publish its Initial Report on Phase 1 recommendations for Public Comment in March 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 already been in operation for a substantial amount of time and is transitioning toward publishing its Phase 1 Initial 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.

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