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

WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will be holding a face-to-face meeting on Saturday, 11 March (Day 1) at 11:00-13:45. In addition, the WG welcomes everyone to its open community session on Monday, 7 November (Day 3) at 11:00-12:15. The WG is expected to provide an update on its current work on reviewing the Trademark Clearinghouse (TMCH), which is part of Phase One of this two-phased PDP.

WHAT IS THIS ABOUT?

This PDP is conducted in two phases. Phase One will cover 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 Procedures (TM-PDDRP), the TMCH, the Sunrise and Trademark Claims service periods 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?

The UDRP is a long-standing Consensus Policy that has never undergone any substantial review. Previous community feedback indicated that, although in principle a functioning Policy, it might have some procedural and substantive shortcomings. In addition, community feedback on the RPMs developed for the 2012 New gTLD Program indicated that certain aspects of their application and scope might merit review, especially if there is to be a further expansion of the gTLD space. By the conclusion of both phases of the 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.

WHAT ARE THE EXPECTED NEXT STEPS?

At ICANN58, the WG is expected to continue its review of the structure and scope of the TMCH, and begin its work on the use and operations of the TMCH. Upon completion of its initial review of the TMCH, the WG will consider the Sunrise and Claims services that are offered through the TMCH. The WG expects to complete Phase One by early 2018, at which point it will publish a Preliminary Report on its recommendations regarding the RPMs developed for the 2012 New gTLD Program for Public Comment. In addition, the WG continues to coordinate its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures PDP, the Competition, Consumer Choice and Consumer Trust Review, and the TMCH Independent 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.

STAFF RESPONSIBLE: Mary Wong