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One Internet



Scoping a Possible IGO-INGO Curative Rights PDP

Issue Report & Charter Summary

Background

Nov 2013: IGO-INGO PDP WG consensus recommendations adopted unanimously by GNSO Council

- Recommendations included Council to request Issue Report regarding possible amendments to the UDRP & URS to allow for access and use by IGOs & INGOs

(Issue Report = mandatory preceding step to a GNSO PDP)

6 March 2014: Preliminary Issue Report published for public comment

16 May 2014: Report of Public Comments published

25 May 2014: Final Issue Report incorporating analysis & Report of Public Comments sent to GNSO Council for vote

General Recommendations from the Issue Report

Initiate PDP as follows:

- *Explore whether, as a first step, it is desirable to modify the UDRP and URS to enable access to and use of them by IGOs and INGOs whose identifiers are protected at the second level;*
- *If so, develop policy recommendations for the necessary amendments or other recommended procedures, as applicable (e.g. separate, narrowly-tailored dispute resolution procedure specific to IGOs & INGOs)*
- *PDP limited to those IGO & INGO identifiers already specified as qualifying for protection by the IGO-INGO PDP WG*

What the Draft WG Charter Includes

In initial phase of work, WG to request data and research on:

- *Number of IGOs that have requested protection under Article 6ter of the Paris Convention;*
- *Current information documenting the extent of second level abusive registrations for IGO and INGO identifiers; and*
- *The scope of legal protection provided by Article 6ter to IGOs*

NOTE:

In deciding to launch the PDP, GNSO Council to consider staff & community resources when finalizing actual WG scope (ie how many sub-issues/considerations to include in WG Charter)

Other Specific Directions in Draft WG Charter

WG to be chartered to also specifically cover the following:

- *Review prior ICANN work as a possible starting point - consider whether subsequent developments (e.g. introduction of the New gTLD Program and development of the URS) means prior ICANN community recommendations on IGO dispute resolution no longer applicable;*
- *Whether UDRP & URS be treated similarly or if different considerations apply to each;*
- *Whether IGOs & INGOs should be treated similarly or if different considerations apply to each;*
- *Outreach to existing DRPs in considering amendments;*

- *Whether, instead of amending UDRP & URS, alternative practicable mechanisms (e.g. separate narrow DRP only for IGOs & INGOs) would provide adequate protection;*
- *Recommendations from this PDP subject to future review*
 - e.g. possible general review of all rights protection mechanisms including UDRP & URS – Issue Report requested for 18 months after delegation of first New gTLD)
- *Outreach to other SO/ACs and to IGOs to participate;*
- *Track/monitor GAC-GNSO dialogue on remaining IGO-INGO PDP WG consensus recommendations that differ from GAC advice (and not yet adopted by ICANN Board)*