

**GNSO Council Motion to Approve the Recommendations from the EPDP on Specific Curative Rights Protections for Intergovernmental Organizations (IGOs)**

**Submitted by: John McElwaine**

**Seconded by: TBD**

Whereas:

1. In April 2019, the GNSO Council [approved](#) the first four recommendations from the IGO-INGO Access to Curative Rights Protection Policy Development Process (PDP), but not Recommendation #5, which the Council referred to the Review of All Rights Protection Mechanisms (RPMs) PDP, for it to consider as part of its Phase 2 work ([UDRP review](#));
2. In January 2020, the GNSO Council [approved](#) an Addendum to the RPMs PDP Charter that created an IGO Work Track to [consider whether an appropriate policy solution can be developed that is generally consistent with Recommendations 1, 2, 3 & 4 of the IGO-INGO Access to Curative Rights Protection PDP Final Report and:](#)
  - a. [accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;](#)
  - b. [does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;](#)
  - c. [preserves registrants' rights to judicial review of an initial UDRP or URS decision; and](#)
  - d. [recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction.](#)
3. In October 2020, the GNSO Council launched a call for [expressions of interest](#) for a Chair of the IGO Work Track and a [call for volunteers](#) from the [community](#) groups identified in the Addendum [and the IGO Work Track commenced its work in February 2021;](#)
4. In January 2021, Phase 1 of the RPMs PDP concluded [with the GNSO Council's approval of all its thirty-five recommendations while Phase 2 of the PRMs PDP was deferred in order for the Council to receive an updated Policy Status Report on UDRP;](#)
5. In August 2021, [considering the indeterminate timeline for the commencement of Phase 2 of the PRMs PDP while the IGO Work Track was close to complete its Initial Report,](#) in accordance with its [Expedited Policy Development Process \(EPDP\) Manual](#), the GNSO Council approved the initiation of an EPDP to carry forward the work and momentum of the IGO Work Track as a purely procedural matter, with the [EPDP Charter](#) reflecting the same scope of work as was outlined in the Addendum;
6. On 14 September 2021, the EPDP team published its [Initial Report](#) for [Public Comment](#);
7. Following the end of the Public Comment period, the EPDP team [reviewed](#) the comments that were submitted and amended its [proposed recommendations](#) as it considered necessary, based on the input received and the EPDP team's continued deliberations;

**Deleted:** address the concerns that Councilors had expressed regarding Recommendation #5 of the IGO-INGO Access to Curative Rights Protections PDP;

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8. The EPDP team is proposing five final recommendations in its Final Report, which are intended to be interdependent (as outlined in Section 13 of the [PDP Manual](#)) and which have attained “Full Consensus” within the EPDP team;
9. The EPDP delivered its [Final Report](#) to the GNSO Council on 4 April 2022;
10. The GNSO Council has determined that the five (5) final EPDP recommendations in the EPDP team's Final Report are consistent with the scope and principles set out in the Addendum to the RPMs PDP Charter and the subsequent EPDP Charter.

Resolved:

1. The GNSO Council approves, and recommends that the ICANN Board adopt, all five (5) final EPDP recommendations as documented in the EPDP team's [Final Report](#).
2. Should the EPDP recommendations be adopted by the ICANN Board, the GNSO Council requests that ICANN org convene an Implementation Review Team, to assist ICANN org in developing the implementation details for the EPDP recommendations and ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the [Implementation Review Team Principles and Guidelines](#) that the GNSO Council approved in June 2015.
3. The GNSO Council thanks the EPDP leadership team and the members of the EPDP team for their commitment and hard work in completing the policy work on this long-standing issue within the GNSO.