



IGO-INGO Curative Rights Protections Policy Development Process

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Working Group status report

⦿ **Discussions continue over IGO jurisdictional immunity**

- ⦿ Current processes (Uniform Dispute Resolution Policy & Uniform Rapid Suspension) require complainants to submit to jurisdiction of a national court
- ⦿ Apparently no uniform international law on the issue – scope of IGO immunity varies from jurisdiction to jurisdiction
- ⦿ WG is consulting external legal expert to gain fuller understanding before making a recommendation; reviewed short list of international law experts and selected US-based academic with experience in state and IGO immunity issues; begun ICANN contracting process

- ⊙ **In parallel, IGO “small group” within the GAC is preparing a proposal for consideration by the GNSO**
 - ⊙ Based on initial March 2014 proposal by the Board’s New gTLD Program Committee and subsequent discussions between the group and NGPC member Chris Disspain
 - ⊙ WG co-chairs, GNSO chair and chair of original IGO PDP WG met by phone with GAC chair and Chris Disspain for a status update on the “small group”
- ⊙ **WG will review “small group” proposal when it is finalized in further considering its policy recommendations**
- ⊙ **WG timeline has been affected**
 - ⊙ Currently unclear when Initial Report can be finalized

A world map where the continents are defined by a complex network of white dots and thin white lines. The dots vary in size, and the lines connect them to form a web-like structure. The background is a solid dark blue color.

Thank you and Background

Background on the IGO-INGO Curative Rights PDP

- WG Charter approved in June 2014 by the GNSO Council:
<http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf> (amended at WG request in April 2015:
<http://gnso.icann.org/en/council/resolutions#20150416-3>)
- WG tasked to explore whether current curative dispute resolution processes should be amended to address the needs of IGOs and INGOs, or if a more specific, narrowly tailored procedure should be created
 - WG has determined there is no substantive justification to further consider INGOs and is focusing on IGOs
 - WG has analyzed the issue of standing to file a complaint under the existing processes when complainant is an IGO and not a trademark owner
- WG wiki workspace: <https://community.icann.org/x/37rhAg>