Preliminary Issue Report: PDP to Review all RPMs in all gTLDs

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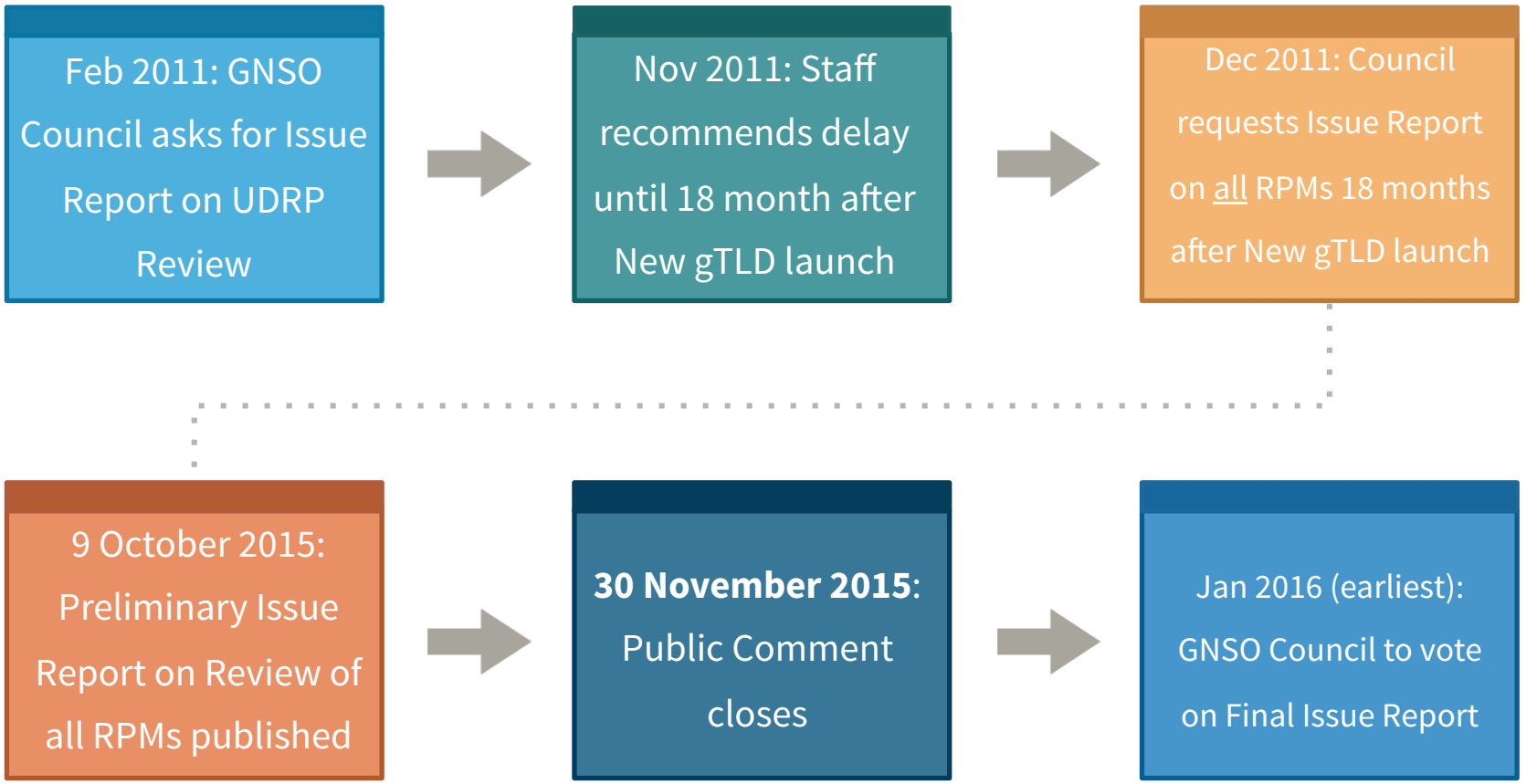
How did we get here



What are the RPMs to Review?

Sunrise Period and Trademark Claims Service

Sunrise services provide trademark holders with advance opportunity to register domain names corresponding to their marks before names are generally available to the public.

The Trademark Claims period follows the Sunrise period and runs for at least the first 90 days in which domain names are generally made available to all registrants that are qualified to register domain names within the TLD.

Uniform Rapid Suspension (URS)

The URS was designed as a complement to the UDRP, to provide trademark owners with a quick and low-cost process to suspend domain names on the same substantive grounds as the UDRP. It applies only to domain names registered in the New gTLDs.

Post-Delegation Dispute Resolution Procedures (PDDRPs)

The PDDRPs provide alternative avenues for a trademark holder who is harmed by a new gTLD registry operator's conduct to obtain redress.

Trademark Clearing House (TMCH)

The Trademark Clearinghouse is a global database of verified trademark information to support rights protection processes. Benefits of inclusion are access to Sunrise Period and Trademark Claims Service.

Uniform Dispute Resolution Policy (UDRP)

The UDRP was created in 1999 and provides a uniform, standardized alternative dispute resolution procedure to resolve disputes concerning who is the rightful holder of a registered domain name. It is applicable to all domains registered in all generic top-level domains (gTLDs).

Parallel Efforts

1

TMCH Review as requested by the GAC in 2011

2

Competition, Consumer Trust and Consumer Choice Review of New gTLD Program as mandated by AoC

3

Potential PDP on new gTLD Subsequent Rounds (dependent on GNSO Council vote)

Three Options on Moving Forward

1

Option 1: Initiate PDP to review all RPMs in all gTLDs

This 'traditional' approach would see a PDP address those issues considered most appropriate for policy development work, listed in the Preliminary Issues Report – and any additional issues raised by the Community during the public comment period. While the outcome of related reviews should form part of the PDP Working Group's deliberations, it would be the Working Group that determines the appropriate time and method for doing so.

2

Option 2: Proceed with PDP but include mandatory requirement to adjust timeline and and Work Plan as soon as CCT Review results are available

This "built-in" process checkpoint could result in the Working Group pausing its then-current work in order to analyze the potential impact of the CCT Review results, or possibly even altering the scope or direction of its work (which decision should be taken in consultation with the GNSO Council).

3

Option 3: Conduct review of all RPMs in two phases

The initial review would be only of the RPMs developed for the New gTLD Program. This can be done through an additional Charter category or task for the PDP Working Group on New gTLD Subsequent Procedures (if that PDP were launched). The second phase of work would be a review of the UDRP, based on the concerns specific to its scope that were raised in the 2011 GNSO Issue Report and any additional relevant topics derived from the first phase of work concerning the RPMs developed for the New gTLD Program. This option would align the timing of the work on reviewing the new RPMs with the operational reviews of the New gTLD Program (including the CCT Review) and, conceivably, a new PDP on New gTLD Subsequent Procedures.

Next Steps and further information

Next Steps

- Presentation & discussion on the Preliminary Issue Report on Wednesday 21 October, 10:45-11:45, Liffey MR2
- Public Comment closes on **30 November 2015**
- GNSO Council may be in a position to vote on Final Issue Report in January 2016

Info:

- Public Comment and Preliminary Issue Report: https://www.icann.org/public-comments/rpm-prelim-issue-2015-10-09-en
- The Current State of the Uniform Domain Name Dispute Resolution Policy: Final Issue Report, November 2011
- Staff Paper on Rights Protection Mechanisms in the New gTLD Program: Revised Report, September 2015
- GAC Request for TMCH Review: https://archive.icann.org/en/topics/new-gtlds/gac-comments-new-gtlds-26may11-en.pdf (p.6)
- Competition, Consumer Trust, and Consumer Choice (CCT) Metrics Reporting: https://www.icann.org/resources/reviews/cct/metrics