



# IGO-INGO Curative Rights Protections Policy Development Process Update

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## Status Update & Current Issues

## External legal advice on state of international law relating to IGO jurisdictional immunity

- Draft memo sent to co-chairs and staff in end-January; feedback provided to expert for final draft
- 2. Synopsis circulated to Working Group members for review and discussion (including in Marrakech)

### Alignment with work of GAC-IGO "small group"

- 1. Expecting final proposal after ICANN55
- 2. WG will consider expert advice and review final proposal in coming to conclusions regarding IGO immunity
- 3. Helpful if GAC and IGO representatives can engage more directly with WG prior to Initial Report



## Legal expert summary analysis

- Preliminary notes indicate that immunity is a multifaceted issue
  - 1. Different types of immunity absolute, functional, limited
  - 2. May depend on various factors nature of IGO, jurisdiction in question, type of waiver etc.

Key issue for IGOs - whether requesting an IGO waiver as part of UDRP/URS initiation unduly violates an IGO's right to immunity, particularly given the need to balance a domain registrant's legal rights and legitimate interests



## **Next Steps**

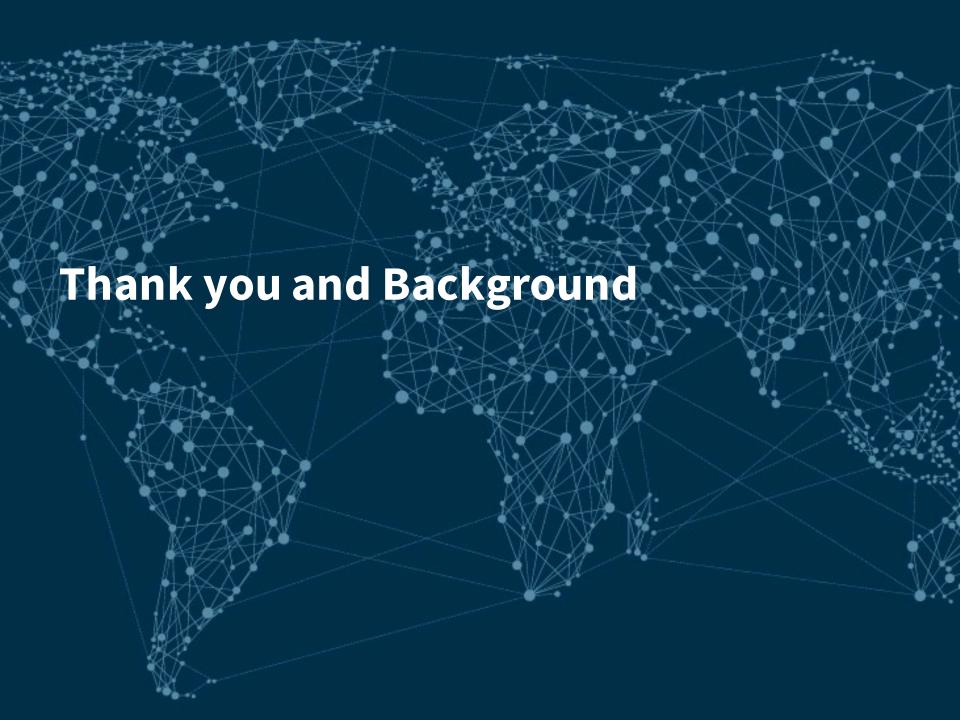
#### Timeline

- Impacted by delay in receiving GAC-IGO small group proposal
- 2. Aim to conclude internal WG discussions by ICANN56
- 3. WG will finalize recommendations on whether Uniform Dispute Resolution Policy and/or Uniform Rapid Suspension process should be amended; or whether a new specific and narrow mechanism should be developed

#### • Next Steps:

1. Preliminary recommendations (Initial Report) will be published for public comment upon conclusion of WG discussions (2<sup>nd</sup> or 3<sup>rd</sup> quarter of 2016?)





## Background on the IGO-INGO PDP

- Working Group chartered in June 2014: <a href="http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf">http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf</a>
- Main task "evaluate: (i) whether the UDRP and/or URS should be amended (to enable their access and use by IGOs and INGOs whose identifiers had been recommended for protection by the IGO-INGO PDP WG) and if so, in what way; or (ii) whether a separate narrowly-tailored procedure modeled on these curative rights protection measures to apply only to protected IGO and INGO identifiers should be developed."
- Working Group wiki space: <u>https://community.icann.org/x/37rhAg</u>

