



# 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
  1. 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 multi-faceted 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

1. 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?)



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 that outlines the major landmasses. The background is a solid, dark blue color.

**Thank you and Background**

# Background on the IGO-INGO PDP

- Working Group chartered in June 2014:  
<http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf>
- 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:  
<https://community.icann.org/x/37rhAg>