

The image is a promotional graphic for the ICANN 60 Annual General meeting. It features a background photograph of a cityscape at dusk or dawn, with several tall, modern skyscrapers on the left and a large, ornate archway on the right. In the foreground, there are colorful flower beds and a paved walkway. A white rectangular box with a thin border is overlaid on the right side of the image, containing the event details in white text. The text is arranged in three lines: 'ICANN' in a large, bold, sans-serif font, followed by 'ANNUAL GENERAL' in a smaller, bold, sans-serif font, and '60' in a very large, bold, sans-serif font. Below this, 'ABU DHABI' is written in a bold, sans-serif font, and '28 October-3 November 2017' is written in a smaller, sans-serif font.

ICANN
ANNUAL GENERAL

60

ABU DHABI

28 October-3 November 2017

IGO-INGO Access to Curative Rights Policy Development Process (PDP)

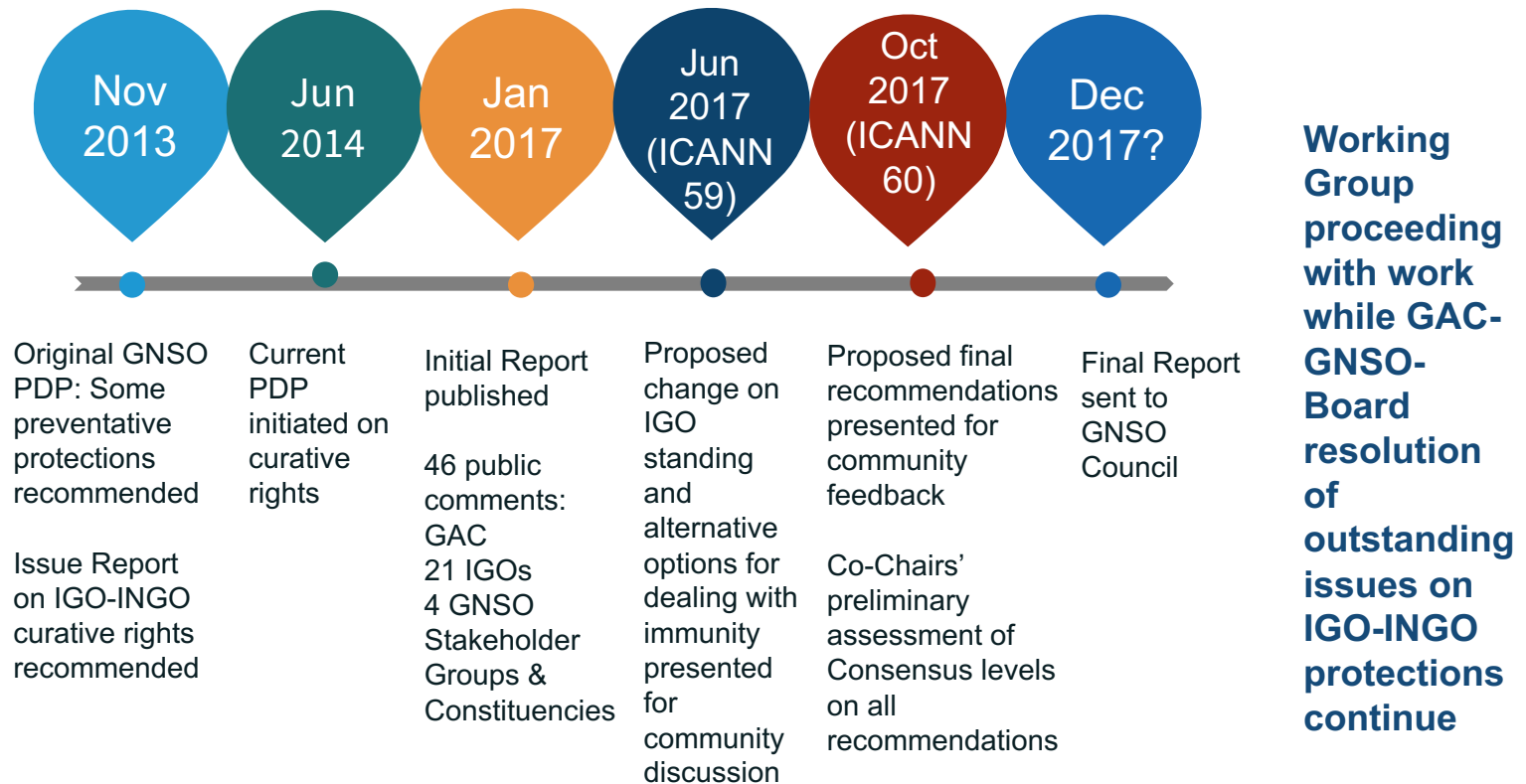
- GNSO Working Session @ICANN60

Working Group Chairs:

- Philip Corwin
- Petter Rindforth



TIMELINE TO COMPLETION OF THE PDP



What are the current challenges? (1/3)

1. Achieving consensus on all final recommendations:

- ⦿ Comments and issues on most preliminary recommendations resolved
 - *Including on IGO standing to file a complaint under the Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension procedure URS)*
 - *Standing to file under UDRP or URS confirmed to be trademark or similar unregistered substantive rights – Article 6ter of the Paris Convention can be evidence of standing, to be decided by the panelist(s)*

- ⦿ One remaining issue on which Working Group members were surveyed for preliminary consensus
 - *Including possible use of arbitration or limited judicial proceedings (limited to disposal of ownership of domain) in a case where a losing registrant files court action against the winning IGO and the IGO succeeds in claiming jurisdictional immunity in that court*
 - *Working Group considered several options for dealing with this scenario – to take into account concerns expressed by the GAC and IGOs, while preserving registrants' rights to legal recourse in a national court*

What are the current challenges? (2/3)

- ⊙ Results** of preliminary survey of Working Group members on three final options to deal with jurisdictional immunity scenario:

Option A:

- *Original UDRP/URS panel decision is set aside if IGO succeeds in claiming immunity after a losing respondent files in court*
- *3 support, 8 do not support*

Option B:

- *Option A applies to domains created before a certain date; Option C applies (for a limited “trial period”) to all domains created on or after that date*
- *1 supports, 10 do not support*

Option C:

- *Dispute can be transferred to arbitration (process to include certain specific elements), limited to decision on ownership of domain*
- *8 support, 2 do not support, 1 can live with it*

*** (1 additional respondent indicated support for all 3 options; another indicated he can live with all three options)*

13 out of 19 Working Group members indicating continued participation responded to the survey

What are the current challenges? (3/3)

2. GAC and IGO views on remaining proposal unknown:

- ⦿ Working Group has engaged with IGOs on several occasions, including at prior ICANN meetings – not certain if GAC and IGOs will be able to provide feedback on the options at ICANN60
 - *Working Group decided not to publish draft Final Report for additional public comments as ICANN60 is a good opportunity to obtain feedback*
 - *Working Group co-chairs conducted a webinar setting out all proposed final recommendations in early October*
 - *GNSO-Board and GNSO-GAC sessions at ICANN60 can be other good opportunities to encourage input*

3. Ensuring balanced and sufficient community participation in final stages of the PDP:

- ⦿ Working Group co-chairs and staff have reviewed membership list and reached out to less active members

Additional Information & ICANN60 Sessions Information

- Open Working Group community session: <https://schedule.icann.org/>
 - Wednesday 1 November: 17.00-18.30
- Background information: <https://gnso.icann.org/en/group-activities/active/igo-ingo-crp-access>
- ICANN60 Background Briefing Paper: <https://gnso.icann.org/en/issues/policy-briefing-igo-ingo-crp-access-12oct17-en.pdf>
- Working Group Charter: <https://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf>
- Working Group online wiki space (meeting transcripts, call recordings, draft documents and background materials): <https://community.icann.org/x/37rhAg>