Review of All Rights Protection Mechanisms in All Generic Top-Level Domains PDP (RPMs)

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PDP Webinar – LAC Community

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ICANN

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BACKGROUND

WHAT IS THIS PDP ABOUT?

This PDP is being conducted in two phases. Phase One covers all the RPMs applicable to generic top-level domains (gTLDs) launched under the 2012 New gTLD Program. These RPMs are: the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP), the Trademark Clearinghouse (TMCH), the Sunrise and Trademark Claims services that are offered through the TMCH, and the Uniform Rapid Suspension (URS) dispute resolution procedure. Phase Two will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999. The WG is currently in Phase One and hopes to complete this stage of work by early 2019.
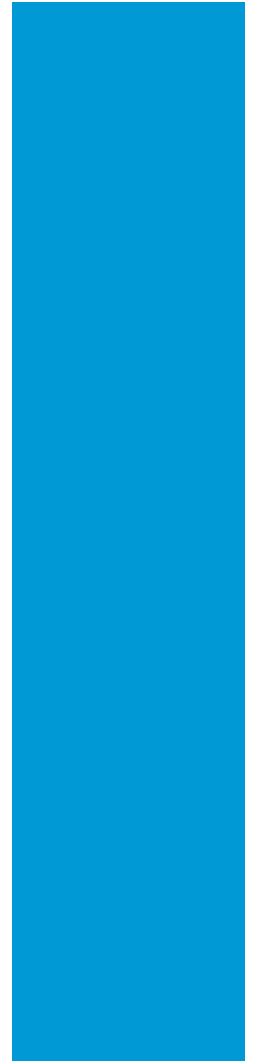
WHY IS THIS IMPORTANT?

Community feedback on the RPMs developed for the 2012 New gTLD Program indicated a need to review their application and scope, especially if there is to be a further expansion of the gTLD space.

The 2012 New gTLD Program RPMs are new mechanisms that have now been in use for several years. The UDRP is a long-standing Consensus Policy that has never undergone any substantial review.

By the conclusion of both phases of this PDP, the WG is expected to have considered the overarching issue as to whether all the RPMs collectively fulfill the purposes for which they were created, or whether additional policy recommendations are needed. The outcomes of this PDP are also intended to create a coherent and uniform mechanism for future reviews of all RPMs.

WHAT IS THE CURRENT STATUS OF THIs PDP?

The Generic Names Supporting Organization (GNSO) Council initiated the PDP on 18 February 2016 and chartered the WG in March 2016. The WG began its Phase One work with reviewing the TM-PDDRP, which was completed in late 2016. The WG has largely completed an initial review of the structure and scope of the TMCH. It also has launched an extensive data collection exercise, involving professionally-designed surveys of targeted respondent groups, to obtain quantitative and anecdotal evidence that can assist with its review of the Sunrise and Trademark Claims services that are offered through the TMCH.

WHAT IS THE CURRENT STATUS OF THIs PDP?

Analysis Group, the vendor selected by the ICANN organization (ICANN org) through a Request for Proposal (RFP) process, has begun working with a Working Group Sub Team to finalize the Sunrise and Claims survey questions, with the aim to launch the surveys before ICANN62.

While this data gathering effort is ongoing, the WG has continued with its review of the URS dispute resolution procedure. Three Sub Teams identified additional data needs and inquiries specifically concerning URS providers, practitioners, and related documents.

 Before ICANN62, the WG is expected to receive responses to questions intended for the current URS providers and experienced URS practitioners. One of the URS-related Sub Teams is beginning to review and examine certain categories of URS cases to collect and analyze various data points such as domain(s) at issue, parties, responses, panelist(s), and outcomes.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG is aiming to complete an initial URS review around the ICANN62 timeframe. Subsequently, it plans to review the survey results for Sunrise and Trademark Claims, which are anticipated to be available in the third quarter of 2018. After the completion of these reviews, the WG is aiming to prepare preliminary recommendations for these RPMs by ICANN63. The WG is aiming to complete Phase

One of this PDP in early 2019, at which point it will publish a Preliminary Report on its recommendations regarding these RPMs for Public Comment. In this regard, the WG will continue to coordinate its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures PDP, and the Competition, Consumer Choice, and Consumer Trust Review.

HOW CAN I GET INVOLVED?

The WG is open to all. You may join as either a Member (with full posting rights to the mailing list and the ability to participate in all WG meetings) or as an Observer (with read-only status for the mailing list). Please email the GNSO Secretariat at gnso-secs@ICANN.org if you wish to join the group.

As the WG has operated for a substantial amount of time and progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

MORE INFORMATION

MORE INFORMATION

■ PDP Webpage: gnso.icann.org/en/group-activities/active/rpm

■ WG Workspace: community.icann.org/x/wCWAAw

■ WG Charter: www.gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf

■ Final Issue Report: https://go.icann.org/2BvPivt

BACKGROUND

In October 2011, prior to the launch of the 2012 New gTLD Program, ICANN org published a Final Issue Report on the current state of the UDRP. The recommended course of action at the time was for the GNSO Council to hold off from initiating a PDP until after the new URS had been in operation for at least 18 months.

The GNSO Council followed this recommended course of action and staff published a new Preliminary Issue Report in September 2015 that covered all existing RPMs. The Final Issue Report that led to this current PDP was published in January 2016, and outlined the two-phased approach that was eventually adopted by the GNSO Council.

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