

# Motions 10 April 2013

## MOTION

**Made by:** Maria Farrell

**Seconded** by Volker Greimann

The GNSO Council registers its disappointment and concern at the recent adoption in significant parts by ICANN staff of the Trademark Clearing House "Strawman Solution", despite the proposal's flawed genesis and the strong opposition to it voiced by both the GNSO council and a significant portion of the public comments. The expansion of rights protection mechanisms in the new gTLDs, following the comprehensive policy processes of the GNSO that had appeared to settle these issues, and also the clear determination by the GNSO Council that specific measures therein represent substantive policy-making rather than purely technical or operational implementation, represent an unwarranted extension into the policy-making function by ICANN staff.

The GNSO Council strongly regrets the decision to circumvent the established, transparent and rules-based policy development process in a top-down decision-making process, to the detriment of the GNSO Council's bylaw-defined role and the multi-stakeholder model more broadly.

As ICANN staff also currently seeks to endow the Board with top-down and unilateral policy authority in the new RA and RAA, without substantive justification, the GNSO Council is deeply concerned by the implications of this extension of executive privilege, in the adoption of the "Strawman Solution", and in other issues, and for the future of the multi-stakeholder model.

The GNSO council therefore requests that the Board re-consider the proposed course of action regarding the TMCH, and, specifically, that the extension of the TMCH claims procedure to 90 days and the inclusion of 50 additional terms not to be implemented until these proposals have been approved by a majority of the GNSO Council after careful consideration of their implications."

## Motion

**Made by:** Wendy Seltzer

**Seconded** by: Thomas Rickert

Whereas the most recently posted draft Registrar Accreditation Agreement (RAA) has raised serious concerns of policy among most of the stakeholder groups in the GNSO [see Minutes of March call <http://gns0.icann.org/en/meetings/minutes-council-14mar13-en.htm>];

Whereas ICANN negotiators have held it out as a blocker to the implementation of the New gTLD Program;

Resolved, Council recommends that ICANN permit Registrars to extend the rights and obligations in the current RAA and its renewals to new gTLDs until such time as the GNSO adopts a consensus supporting the policy changes in any proposed new RAA.