

Motions 18 February 2016

1. Motion to Initiate a Policy Development Process (PDP) on a Review of All Rights Protection Mechanisms (RPMs) in All Generic Top-Level Domains (gTLDs)

Made by: James Bladel

Seconded by: Donna Austin

WHEREAS:

1. In December 2011 the GNSO Council had requested that an Issue Report on the current state of all rights protection mechanisms (RPMs) implemented for both existing and new gTLDs, including but not limited to the Uniform Dispute Resolution Policy (UDRP), be delivered to the GNSO Council no later than eighteen (18) months following the delegation of the first gTLD in ICANN's New gTLD Program;
1. In January 2014 the GNSO Council agreed to extend the timeline for delivery of the Issue Report by six (6) months;
1. ICANN staff published the Preliminary Issue Report on a Policy Development Process to Review All RPMs in All gTLDs for public comment on 9 October 2015, with the public comment forum closing on 30 November 2015;
1. ICANN staff have reviewed the public comments received, published a Report of Public Comments on 10 December 2015 and updated the Issue Report accordingly;
1. The Final Issue Report on a Policy Development Process to Review All RPMs in All gTLDs was delivered to the GNSO Council on 11 January 2016 (see <http://gnso.icann.org/en/issues/new-gtlds/rpm-final-issue-11jan16-en.pdf>);
1. The Final Issue Report includes a recommendation that the GNSO Council proceed with a two-phased Policy Development Process (PDP) that will first review the RPMs that were developed for the New gTLD Program, followed by a subsequent second phase that will review the UDRP, with the overall goal of developing a uniform and consistent framework for any future review of RPMs; and
2. The General Counsel of ICANN has indicated that the topics recommended for review are properly within the scope of the ICANN policy process and the GNSO.

RESOLVED:

1. The GNSO Council hereby initiates a two-phased PDP to review all RPMs in all gTLDs, to review and determine whether modifications to the existing RPMs (including but not limited to the UDRP) are needed and, if so, what they should be. The outcome of the PDP may lead to (i) amendments or replacement of existing policies, principles or procedures; (ii) the development of new or additional policy recommendations; and /or (iii) the creation of new implementation guidance to supplement existing policies or procedures.
2. The GNSO Council requests that the PDP Working Group be convened as soon as possible after the adoption of the PDP Working Group Charter in order to fulfill the requirements of this PDP.

2. For discussion only - Motion to Approve the Charter for the Working Group to conduct a Policy Development Process (PDP) on a Review of All Rights Protection Mechanisms (RPMs) in All Generic Top-Level Domains (gTLDs)

Made by: James Bladel

Seconded by:

WHEREAS:

1. The GNSO Council has resolved [INSERT LINK] to undertake a two-phased GNSO Policy Development Process (PDP) to review and determine whether modifications to the existing Rights Protection Mechanisms (including but not limited to the Uniform Dispute Resolution Policy) are needed and, if so, what they should be;
2. The GNSO Council has reviewed the Draft Working Group Charter included in Annex A to the Final Issue Report which was delivered to the GNSO Council on 11 January 2015 [INSERT LINK]; and
3. The GNSO Council has reviewed certain proposed amendments to the Draft Working Group Charter <http://gnso.icann.org/en/drafts/rpm-charter-09feb16-en.pdf>

RESOLVED:

1. The GNSO Council approves the amended Charter and appoints PLACEHOLDER as the GNSO Council liaison to the PDP Working Group for the Review of All RPMs in All gTLDs.

1. The GNSO Council directs ICANN staff to issue a call for volunteers for the PDP Working Group after the approval of this motion. The call for volunteers should be circulated as widely as possible in order to ensure broad representation and participation in the Working Group and initiated no later than PLACEHOLDER.
 - a. Until such time as the PDP Working Group selects a chair(s) for the Working Group and that chair(s) is confirmed by the GNSO Council, the GNSO Council liaison to the Working Group shall serve as the interim chair.
 - b. The GNSO Council directs, consistent with the Charter and the recommendations in the Final Issue Report, that a liaison between this PDP Working Group and that for the PDP on New gTLD Subsequent Procedures be appointed as soon as both PDP Working Groups are convened, in order to assure consistent communication and coordination between the two Working Groups, including ensuring that any issues identified by either Working Group relating to existing or potential Rights Protection Mechanisms that are not covered by the scope of the Charter for this PDP Working Group are referred to the appropriate Working Group by the GNSO Council in a timely manner.