

At-Large Workspace: GNSO Policy Development Process on IGO-INGO Access to Curative Rights Protection Mechanisms Policy Recommendations for ICANN Board Consideration

Public Comment Close	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
20 August 2019	GNSO Policy Development Process on IGO-INGO Access to Curative Rights Protection Mechanisms Policy Recommendations for ICANN Board Consideration	No Statement							Mary Wong policy-staff@icann.org	

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Brief Overview

Purpose: This public comment proceeding seeks to obtain community input prior to Board action on certain final policy recommendations from the Generic Names Supporting Organization Policy Development Process on IGO-INGO Access to Curative Rights Protection Mechanisms.

Current Status: The GNSO Council approved PDP Recommendations 1-4 during its meeting on 18 April 2019. The GNSO Council did not approve PDP Recommendation 5 which therefore does not form part of this public comment proceeding.

Next Steps: The ICANN Board is expected to meet to discuss taking action on the four approved recommendations following the close of this public comment proceeding.

Section I: Description and Explanation

At its meeting on 18 April 2019, the Generic Names Supporting Organization (GNSO) Council voted to adopt Recommendations 1-4 contained in the Final Report from the Working Group that it had chartered to conduct a Policy Development Process (PDP) to develop policy recommendations concerning access to curative rights protection mechanisms by International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs). The four approved recommendations are being sent to the ICANN Board for its review. In line with the ICANN Bylaws, this public comment proceeding is being opened so that the community has a reasonable opportunity to comment on the four recommendations prior to Board action.

The four recommendations approved by the GNSO Council include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.

The fifth and final PDP recommendation was not approved by the GNSO Council and as such does not form part of this public comment proceeding.

Section II: Background

In June 2014, the GNSO Council [approved a resolution](#) to initiate a PDP, which was directed to consider whether, in light of the specific needs and circumstances of IGOs and INGOs: (1) the curative rights protection mechanisms currently in place for both existing and new generic top level domains (gTLDs) should be amended and, if so, in what respects; or (2) a separate, narrowly-tailored dispute resolution procedure modeled on the existing curative rights protection mechanisms should be developed.

In order to arrive at a set of preliminary recommendations and conclusions, the Working Group analyzed the questions outlined in its Charter, reviewed historical documentation related to the topic, reached out to the community for input, and sought the opinion of an international legal expert to provide guidance on relevant legal instruments and applicable international law. On 20 January 2017, the PDP WG published its [Initial Report](#) for public comment. Following an extensive review of all the public comments received as well as additional discussions over a number of policy options developed subsequent to the Initial Report, the Working Group finalized its recommendations and submitted its [Final Report](#) to the GNSO Council on 9 July 2018. The Final Report included three Minority Statements filed by three members of the Working Group. These Minority Statements can be found in Annex B of the Final Report.

At its meeting on 19 July 2018, the GNSO Council [resolved](#) to acknowledge and accept the Final Report from the IGO-INGO Access to Curative Rights Mechanisms PDP Working Group, and noted that it would consider the topic of curative rights protections for IGOs in the broader context of the appropriate overall scope of protection for all IGO identifiers. Due to GNSO Council concerns, the Final Report was discussed extensively both during a webinar and over the course of several GNSO Council Meetings, where discussion was undertaken to determine the best course of action for the Working Group's Final Report recommendations. On 18 April 2019, the Council [resolved](#) to approve recommendations 1-4 and refer recommendation 5 to be considered by the Review of All Rights Protection Mechanisms in All gTLDs PDP as part of its Phase 2 work. [This public comment proceeding is only in respect to recommendations adopted by the GNSO Council, which are recommendations 1-4.](#)

Section III: Relevant Resources

[IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG Final Report](#)

Section IV: Additional Information

- [PDP Charter](#)
- [PDP Wiki](#)

Section V: Reports

FINAL VERSION SUBMITTED (IF RATIFIED)

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

DRAFT SUBMITTED FOR DISCUSSION

The first draft submitted will be placed here before the call for comments begins. The Draft should be preceded by the name of the person submitting the draft and the date/time. If, during the discussion, the draft is revised, the older version(S) should be left in place and the new version along with a header line identifying the drafter and date/time should be placed above the older version(s), separated by a Horizontal Rule (available + Insert More Content control).