ICANN 66
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2–7 November 2019

GNSO RPMs PDP Working Group Working Sessions 1 and 2

Saturday, 02 November 2019

ICANN

Agenda Sessions 1 and 2

1 Review Agenda

2 Review Sunrise & TM Claims Preliminary Recommendations

3 Review URS Sub Team Preliminary Recommendations

4 Timeline Next Steps Initial Report

5 Reminder of TMCH Charter Questions Closed Discussions

Review Sunrise & TM Claims Preliminary Recommendations

Review URS Sub Team Preliminary Recommendations

Timeline, Next Steps, and Initial Report

Reminder of TMCH Charter Questions Closed Discussions

Current Timeline

| Dec 2016 TM-PDDRP Review Complete | Oct 2018 URS Review Complete | July 2019 TM Claims & Sunrise Review Complete | Oct 2019 TMCH Review Complete | Jan 2020 Initial Report for Public Comment | Feb-Apr 2020 Review Public Comments | Q2 2020 Final Report to GNSO Council |

- Chartered in March 2016 to conduct a two-phased PDP

- Phase 1 – RPMs applicable to gTLDs launched under the 2012 New gTLD Program:
    - Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP)
    - Trademark Clearinghouse (TMCH)
    - Sunrise and Trademark Claims offered through the TMCH
    - Uniform Rapid Suspension (URS) dispute resolution procedure.

- Phase 2 – UDRP (an ICANN Consensus Policy since 1999)

- Aiming to complete Phase 1 by Second Quarter 2020

Timeline (Continued)

Status of work since ICANN65:

⦿ Completed review of and approved the Sunrise & Trademark Claims Sub Teams' recommendations for inclusion in the Phase One Initial Report;

⦿ Nearing completion of the review of the structure and scope of the TMCH:

  o Considered open TMCH charter questions as well as topics deferred from the initial TMCH review in 2017;

  o Deliberating additional proposals for policy recommendations related to the TMCH; and

⦿ Discussing use of a survey or other means to further vet individual URS proposals.

Post ICANN66

- Post ICANN66, the WG will:

  - Agree on any open questions for inclusion in the Initial Report

  - Complete review of the draft Initial Report

  - Next Milestone: January 2020 -- The WG will publish the Initial Report for Public Comment

Initial Report Process: Creation

- ⊙ Who creates the initial draft of the Initial Report?
    - ○ Typically, all draft reports are created initially by ICANN staff for review by the Working Group.
- ⊙ How will the initial draft be created?
    - ○ As with all other PDPs, the staff draft will follow the GNSO template and include:
        - • Any preliminary recommendations on which the Working Group seeks community input via public comment;
        - • Open issues/questions on which the Working Group is divided or cannot reach consensus and for which public comments are considered helpful;
        - • A summary of the group's deliberations; and
        - • The process background.

Initial Report Process: Revisions

- How will revisions be accepted to the working draft Initial Report from Working Group members?
  - Typically an iterative process.
  - Proposals for recommendations may be made by members and discussed by the Working Group to see if a final proposed recommendation can be developed and agreed on (or not).
  - The Working Group Guidelines provide a general framework for how members are expected to participate in policy deliberations.
  - Staff generally documents all proposals received and updates these as the group's deliberations and refinements proceed.

Initial Report Process: Conclusions

- How will conclusions or recommendations be presented in the Initial Report?
  - Proposals with strong support per Co-Chairs and Working Group, such as the Sub Team proposals, will generally be described as "Preliminary Recommendations" in the Initial Report;
  - Proposals with adequate support per Co-Chairs and Working Group are generally described as options or questions for feedback and may be specifically called out for community input during the public comment period; and
  - Proposals with limited support per Co-Chairs and Working Group may be included in deliberations and referenced in an annex.

Initial Report Process: Consensus

- The WG Guidelines prescribe specific levels of consensus.

- This level of detail is generally *not* used for an Initial Report, nor is there a formal Consensus Call; these being actions customarily used only for the Final Report.

- As with the Final Report, the typical practice is for Working Group chairs to determine (subject to Working Group members' review):

  - Which proposals have garnered strong support;

  - Which proposals have adequate support;

  - Which remain open issues; and

  - Which were discussed sufficiently but did not obtain enough support to remain other than a proposal that was raised but did not proceed further.

Thank You and Questions