

**Transcription ICANN Singapore
Preliminary Report
Saturday 22 March 2014**

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Jonathan Robinson: So this is an opportunity to discuss the preliminary issue report on the IGO/INGO access to curative protections of UDRP and URS. And this is going to be presented by Mary.

I hope those of you watching the Council mailing list have all been aware of a related point here which is a letter that's been sent to myself and the Council relating to the work of the New gTLD Program Committee and the Board and the GAC advice on a related subject. So, Mary, over to you.

Mary Wong: Thanks, Jonathan. And I'm not going to talk about that letter but I am going to give an update on something that was in a Council request and action from the Buenos Aires meeting largely because the preliminary issue report that I'm going to speak to has been published for public comment and the initial public comment period closes on the 14th of April to take into account the fact that many people are busy with this meeting.

And since this particular issue, judging from the history that I'll speak to briefly, is of great interest to many in the community. We're hoping obviously that we will receive a number of public comments and contributions.

So just really quickly, essentially I think almost everybody in this room knows that the request for the issue report came about as a result of a recommendation from a prior PDP working group that since completed its work on protections for international governmental organizations or IGOs and international nongovernmental organizations or INGOs, which is a lot easier to say.

Those consensus recommendations have since been adopted by the Council and they are currently pending before the ICANN Board for its consideration and action.

One of those recommendations, however was the request for this issue report. And again as just about everybody knows the requesting of an issue report under the GNSO rules is a preceding step towards a possible policy development process on any particular topic and this is the topic under consideration.

As mentioned that it has been published, it's out for public comment. And we do have a link to the public comment site for you to both read the report as well as to send in your comments.

So essentially the topic of the issue here is that when protections for IGOs and INGOs were under consideration in the previous PDP working group there was obviously a preventative protections that were considered on which certain recommendations were made. And there was a discussion also on so-called curative protection mechanisms which are not – which do not involve things like blocking or before the fact type of action but really are meant to cure any possible problem that arose.

And many people will know about the Uniform Dispute Resolution Policy, which has been long-standing since 1999 or the UDRP. And modeled on that the URS procedure, Uniform Rapid Suspension, which applies to the new gTLD program. So really these topics that we're talking about is about whether or not these INGOs and IGOs should be able to access and use these curative mechanisms.

And the report goes into some detail about reasons, structural and otherwise of why these organizations may not be able to fully utilize these mechanisms. And if these mechanisms are to be amended to allow that kind of access then

a PDP would look at how they would be amended and develop policy for the Council to consider.

I don't have time to go into all the specific steps and issues that the report actually recommends but if there is a PDP the working group should consider and again so please send in public comments.

The final note that I want to add on this as part of the update is that, again, as most folks know the UDRP and the URS and all of these rights protection mechanisms, including those developed for the new gTLD program, are due for review by the GNSO. And the timeframe for that was or is 18 months after the first delegation. And so we're really looking at March 2015 presumably as the earliest time for an issue report on that overall review.

This is not that overall review, this is a very specific issue under consideration but obviously that's a relevant factor for the community to consider.

And so after the public comment period ends the final issue report will be prepared taking into account the public comments received and the Council will be presented with that final report and then take a vote on whether or not indeed to initiate that PDP.

And if one looks forward at the timing we expect that that would be either at or shortly after or around the London meeting in the summer. And that's it Jonathan.

Jonathan Robinson: Thanks Mary. Thanks for setting it so clearly and particularly for putting in the context of that review, that helps as well. Some of you will remember the background to where that plan to have that review of the rights protection mechanisms. Are there any questions or comments or issues on this? Thomas.

Thomas Rickert: Thanks Jonathan. First of all I'd like to thank Mary for having written an excellent report. I guess you need to have a very strange fetish to like those

things but it's very well written. And adds a lot of history to the discussion which I think is very helpful to understand the impact of all that.

I guess my question is more related to the letter that Cherine has recently sent. I'm not sure whether this 15 minute slot is the appropriate place to have that discussion. But I think the Council really needs to make up its mind as to how to deal with this potential PDP and the resources going into that if we have a competing action initiated by the Board on that very matter.

Also during the work of the original IGO/INGO PDP working group, the IGOs as well as – or primarily the IGOs have a voice some concerns with opening up the curative mechanisms because, number one, that's less than they originally wanted which is a block for specific strings and also there was the issue of them not being able to use the curative mechanisms because it is the indemnifications – or immunity that they have under I think all jurisdictions around the world.

So I guess we should try to avoid initiating something that is ultimately not meeting the wishes of those that should benefit from the exercise. I mean, certainly the recommendation is part of what the community came up with but I think we really need to look at this from a more holistic perspective to see how this embeds into the competing actions and whether it actually suits the needs of those that we plan to make this for.

Jonathan Robinson: I've got John coming up and then Alan. I mean, clearly this issue has to be seen – the link to the letter and how we handle all of this is going to be – I'm just not sure we've got the time to deal with all of it now so we're going to have to find some more time. But I think – I don't want to cut the conversation completely short either, I think it's useful to open up that discussion. So John go ahead.

John Berard: This is John Berard. I think it's appropriate that we put it on the agenda for – or pick it up during the agenda item on preparation for the Board meeting which I

believe is 2:15 this afternoon. I would say that there are a couple of items I'd like to see on that agenda and this certainly would be one of them.

Jonathan Robinson: Thanks, John. I'm happy with that. And also it's a useful reminder for people to be thinking about what we would like to cover then so that preparatory thinking is useful. Alan.

Alan Greenberg: Thank you. Just a quick comment that even if the various organizations had gotten all the blocking they wanted, things like UDRP and URS are still relevant because they cover use of the names in conjunction with other words and in other mangled forms which blocking, no matter how pervasive we implemented, people are always innovative enough to find modifications of those words where the dispute mechanisms still apply.

Jonathan Robinson: Not to mention the application as I understand across all heritage or existing TLDs potentially. Alright no other comments or questions at this stage. We've got an agenda – a point made by John to pick this up in terms of our conversation with the Board so this is bound to come up a little either in a session.

So I think seeing no other questions or comments will draw a line under that session. Thank you very much Mary.