



*GNSO Recommendations on IGO Access to Curative Rights Protection Mechanism*

*Comments from the European Organization for Nuclear Research (CERN)*

The European Organization for Nuclear Research (CERN) recognises the efforts of the IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process Working Group in preparing its Final Report, the recommendations of which are now before the ICANN Board of Directors for its review and action, and appreciates this opportunity to provide comments.

CERN would like to reiterate its strong belief that the protection of the interests of IGOs in the Domain Name System will always be best met by excluding the registration of their acronyms protected under Article 6ter of the Paris Convention for Industrial Property by unauthorised third parties at the first and second level (as is the case for their full names).

IGOs are entrusted by their Member States to perform important public functions in line with their particular mandates. Thus, any form of protective mechanism other than a preventive one raises a real risk of IGOs' limited public funds having to be diverted away from delivery of such functions, contrary to the wider public interest. IGOs should be focused on delivering their mandates to the fullest extent possible and not face the distraction and expense of having to defend their online identities and reputations from avoidable abuses of their names and acronyms within the DNS.

Nonetheless, recognising that the approach studied by the Working Group is curative rather than preventative, CERN wishes to give its full support to the comments and opinions on the Working Group's recommendations in its Final Report, as expressed by the OECD, as well as those of the IBRD, WIPO and other IGOs.

CERN continues to share the OECD's concerns regarding the viability of the Working Group's proposed assignment strategy as either an appropriate or practical means for IGOs to defend their rights in their Article 6ter names and acronyms, both from an IP and an immunities perspective.

CERN would encourage the ICANN Board to take note of the advice and comments previously provided by the GAC and IGOs at the earlier stages of this Policy Development Process, as well as to familiarise themselves with IGOs' own dispute resolution practices which, through the negotiation of arbitration clauses in agreements with third parties, seek to take due account of their particular international status whilst remaining fair to those same third parties.

In CERN's view, providing for an IGO-specific dispute resolution mechanism that provides for appeal through arbitration would be an approach that would not only enable IGOs to participate with confidence in such a mechanism, but would also fairly and responsibly preserve the rights of all stakeholders in the process.

Similar to other IGOs, we look forward to the ICANN Board's effective consideration and resolution of this long-standing file in a manner that takes into account the unique position and status of IGOs.