**MOTION TO AMEND THE CHARTER OF THE IGO-INGO ACCESS TO CURATIVE RIGHTS PROTECTION MECHANISMS PDP WORKING GROUP**

**Proposed by: Susan Kawaguchi**

**Seconded by:**

WHEREAS:

1. On 5 June 2014 the GNSO Council [approved](http://gnso.icann.org/en/council/resolutions#201406) the initiation of a Policy Development Process (PDP) to explore whether amendments to existing curative rights mechanisms (such as the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension (URS) procedure) or the creation of a separate, narrowly tailored dispute resolution mechanism will be necessary to address the needs of International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO) in protecting their names and acronyms at the second level in generic top-level domains (gTLD);

2. On 25 June 2014 the GNSO Council [chartered](http://gnso.icann.org/en/council/resolutions#201406) the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group to begin work on the PDP;

3. The [Charter](http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf) for the Working Group contemplates that in relation to IGOs the Working Group is to use the [IGO List](https://community.icann.org/download/attachments/48347918/GAC%20List%20of%20Approved%20IGOs%20March%202013.pdf?version=1&modificationDate=1410824319000&api=v2) provided to ICANN by the Governmental Advisory Committee (GAC) in March 2013, which is based on the [eligibility criteria](http://www.iana.org/domains/int/policy) for an IGO to register a domain name in the .int gTLD, and which was the basis upon which the PDP Working Group on the Protection of International Organization Identifiers in All gTLDs made their consensus recommendations in November 2013;

4. After analyzing the historical documents, legal texts and research related to the issue of an IGO’s standing to file a complaint under the UDRP and URS, the Working Group has reached a preliminary conclusion that a more appropriate basis for standing under any applicable curative rights dispute resolution process may be the legal protections for IGO names and acronyms that are conferred by Article 6ter of the Paris Convention for the Protection of Industrial Property;

5. This preliminary conclusion is supported by the May 2002 [recommendation](https://community.icann.org/download/attachments/48347918/WIPO%20SCT%202002%20Report.pdf?version=1&modificationDate=1412108592000&api=v2) of the World Intellectual Property Organization’s Standing Committee for Trademarks, Industrial Designs and Geographical Indications as well as the December 2011 [open letter](https://www.icann.org/en/news/correspondence/igo-counsels-to-beckstrom-et-al-13dec11-en.pdf) sent to ICANN by legal counsel of twenty-eight IGOs; and

6. The Working Group has requested that the GNSO Council approve an amendment to the Working Group Charter that will include the flexibility to consider all appropriate eligibility options.

RESOLVED:

1. The GNSO Council approves the request from the Working Group to amend its Charter, as follows:

Where, under “Mission and Scope”, the current Charter reads:

*“For purposes of this PDP, the scope of IGO and INGO identifiers is to be limited to those identifiers previously listed by the GNSO’s PDP WG on the Protection of International Organization Identifiers in All gTLDs as protected by their consensus recommendations (designated by that WG as Scope 1 and Scope 2 identifiers, and listed in Annex 2 of the Final Issue Report).”*

It is hereby amended to read:

*“For purposes of this PDP, the WG shall take into account any criteria for IGO or INGO protection that may be appropriate, including any that may have been developed previously, such as the list of IGO and INGO identifiers that was used by the GNSO’s prior PDP WG on the Protection of International Organization Identifiers in All gTLDs as the basis for their consensus recommendations and the GAC list of IGOs as provided to ICANN in March 2013.”*