**GNSO COUNCIL REVIEW OF THE** [**JOHANNESBURG GAC COMMUNIQUE**](https://gacweb.icann.org/download/attachments/27132037/GAC%20ICANN59%20Communique_Final.pdf?version=2&modificationDate=1498747877729&api=v2)**[[1]](#footnote-1)**

| **GAC Advice - Topic** | **GAC Advice Details** | **Does the advice concern an issue that can be considered within the remit[[2]](#footnote-2) of the GNSO (yes/no)** | ***If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?*** | ***How has this issue been/is being/will be dealt with by the GNSO*** |
| --- | --- | --- | --- | --- |
| **1. Intergovernmental Organization (IGO) Protections** | **a. The GAC reiterates its Advice that IGO access to curative dispute resolution mechanism should:**  I. be modeled on, but separate from, the existing Uniform Dispute Resolution Policy (UDRP)  II. provide standing based on IGOs’ status as public intergovernmental institutions, and  III. respect IGOs’ jurisdictional status by facilitating appeals exclusively through arbitration.  The GAC expresses concern that a GNSO working group has indicated that it may deliver recommendations which substantially differ from GAC Advice, and calls on the ICANN Board to ensure that such recommendations adequately reflect input and expertise provided by IGOs.  RATIONALE This Advice aligns with the view of governments that IGOs perform important public functions for citizens worldwide, and that protecting their identities in the DNS serves to minimize the potential for consumer harm. | Yes | Yes | *[The GNSO Council refers to its previous response to the Board on this topic, which notes the ongoing work of the IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process (PDP) Working Group. The GNSO Council appreciates the opportunity to participate in the facilitated discussion with the GAC at ICANN58, and the good faith dialogue that took place.*  *In relation to the GAC’s advice to the Board to pursue implementation of:*   1. *(i) a permanent system of notification to IGOs regarding second-level registration of strings that match their acronyms in up to two languages; and* 2. *(ii) a parallel system of notification to registrants for a more limited time period, in line with both previous GAC advice and GNSO recommendations.*   *The GNSO Council understands that the agreed outcome of the facilitated dialogue session at ICANN 58 was that further input from ICANN on the feasibility of permanent notification to IGOs is required; and that a*  *parallel system of notification to registrants for a more limited time period, is in line with both previous GAC advice and GNSO recommendations.*  *In relation to the GAC’s advice to the Board to facilitate continued discussions in order to develop a resolution that will reflect (i) the fact that IGOs are in an objectively unique category of rights holders and (ii) a better understanding of relevant GAC Advice, particularly as it relates to IGO immunities recognized under international law as noted by IGO Legal Counsels. The GNSO Council looks forward to continuing, in good faith, the discussions with the GAC and the Board on appropriate next steps, but is concerned that the GAC advice in this instance seems to suggest a predetermined outcome, which the Council believes is premature.*  *As previously communicated to the Board, the ongoing PDP on IGO-INGO Access to Curative Rights Protection Mechanisms will take into account the GAC’s comments on the Initial Report. The GNSO Council notes that the Working Group is actively reviewing all comments received on its Initial Report, including the comments submitted by the GAC and a number of IGOs.]* |

1. Only of “Section VI of the Communiqué: GAC Advice to the ICANN Board” [↑](#footnote-ref-1)
2. As per the ICANN Bylaws: ‘There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. [↑](#footnote-ref-2)