**Motion – Completion of the Final Report of the IGO/INGO Access to Curative Rights Protection Mechanisms PDP (Curative Rights PDP)**

Whereas,

1. The origin of the IGO/INGO Access to Curative Rights Protection Mechanisms Policy Development Process (Curative Rights PDP) traces back to a consensus recommendation from a previous PDP, the Protection of IGO and INGO Identifiers in All gTLDs PDP (IGO/INGO Protection PDP). The IGO/INGO Protection PDP considered whether and how the names and acronyms of international governmental organizations (IGOs) and international non-governmental organizations (INGOs) should be protected at the top and second levels of the domain name system (DNS). This earlier PDP resulted in a number of recommendations that were inconsistent with GAC advice on this topic. On 30 April 2014, the ICANN Board approved the PDP recommendations that were consistent with GAC advice, so that the GAC, GNSO and the affected community groups could continue to work on reconciling the remaining inconsistencies.
2. A faciliated dialogue between the GAC and GNSO took place at ICANN58 in March 2017. Based on these discussions, in May 2017, the GNSO Council agreed to initiate a new PDP to revisit the IGO/INGO Protection PDP’s recommendation concerning certain Red Cross names.
3. On 5 June 2014, the Council of the Generic Names Supporting Organization (GNSO) chartered the Curative Rights PDP. This new PDP was initiated to evaluate (i) whether the UDRP and/or URS should be amended to enable their access and use by IGOs and INGOs whose identifiers had been recommended for protection by the IGO-INGO Protection PDP and if so, in what way; or (ii) whether a separate narrowly-tailored procedure modeled on these curative rights protection measures to apply only to protected IGO and INGO identifiers should be developed.
4. The Curative Rights PDP Working Group commenced its work in August 2014 and issued its Initial Report for public comments in January 2017, with the public comment period closing on 30 March 2017. Following its analysis of the input received, the Curative Rights PDP Working Group came to agreement on modifying one of its initial recommendations by ICANN59 in June 2017.
5. Since June 2017, the Curative Rights PDP WG has been engaged in trying to reach consensus on one remaining issue concerning IGO jurisdictional immunity. In December 2017, a Working Group member filed an appeal pursuant to Section 3.7 of the [GNSO Working Group Guidelines](https://gno.icann.org/sites/default/files/file/field-file-attach/annex-1-gnso-wg-guidelines-30jan18-en.pdf) (the Guidelines) to challenge the mechanisms the Co-Chairs proposed be used to determine consensus in relation to this remaining issue. An attempt to resolve the member’s concerns with the PDP Co-Chairs took place in January 2018 in accordance with the Guidelines. Following unsuccessful resolution with the Co-Chairs, the matter was raised with the GNSO Council Chair as prescribed by Section 3.7. Discussions between the GNSO Council Chair, the GNSO Council liaison, the appellants and the PDP Co-Chairs culminated in a proposal for the GNSO Council Liaison to meet with and gather inputs from WG members at and after ICANN61 to assist in the consensus-building process by providing WG members with an opportunity to express their views on the WG’s draft recommendations. A summary report of those meetings was prepared and shared with the Working Group in April 2018 in resolution of the Section 3.7 appeal, and the GNSO Council liaison offered to continue to support the WG in developing its Final Report. As of 16 June 2018, the Working Group is continuing to work toward a Final Report.
6. In January 2018, the GNSO Council held a Strategic Planning Session at which the Council agreed that, to ensure effective allocation of resources and improve management of the community’s workload, a timely resolution of policy development processes should be a priority.
7. At its May 2018 meeting, the GNSO Council liaison informed the Council that the Curative Rights PDP would aim to wind up its work by June 2018.
8. As the scope of the Curative Rights PDP includes consideration of the applicability and usability of existing second level dispute resolution processes (i.e. curative mechanisms) in relation to IGO/INGO names and acronyms, its outcome is likely to affect the full scope of the final protections that are ultimately decided upon for IGO acronyms, and thus the differences that remain between GAC advice and conclusions of the earlier IGO/INGO Protection PDP. Given the length of time that has elapsed since the Board first placed IGO acronyms on a temporary reserved list and the possibility of additional conflict between GAC advice and GNSO policy on the topic of IGO protections, the GNSO Council believes it is imperative that the Curative Rights PDP is concluded in a timely and effective manner.
9. On 10 June 2018, a new Section 3.7 appeal was made under the GNSO Working Group Guidelines challenging the involvement of the PDP Chair (the other Co-Chair having resigned in May), the GNSO Council liaison and policy staff in developing the PDP’s Final Report. This new appeal is currently proceeding through the recommended steps in the GNSO Working Group Guidelines. The appellant has expressed willingness for the substantive work of the PDP to continue towards resolution of the Final Report while the appeal process progresses.
10. Following consultation with the Working Group Chair, GNSO Council Liaison, and GNSO Council leadership team, and notwithstanding the most recent appeal, the GNSO Chair proposed on 13 June 2018 that the target date for completing and submitting the Curative Rights PDP Final Report to the GNSO Council be revised to July 2018 to provide the Working Group with additional time necessary to complete its work and finalize the Final Report.

Resolved,

1. The GNSO Council acknowledges the effort of the Curative Rights PDP Working Group since ICANN60 to reach consensus on its final recommendations, and requests that the Final Report be submitted in time to meet the July 2018 GNSO Council meeting document deadline. The GNSO Council directs ICANN staff to inform the Working Group that, in line with the Council’s priority to ensure responsible allocation of resources and timely management of the PDP, the GNSO Council expects to consider this matter at its July 2018 meeting.
2. The GNSO Council acknowledges and appreciates the effort of Susan Kawaguchi in the role of GNSO Council Liaison to assist in resolving the Section 3.7 appeals and to facilitate the group’s efforts to achieve the milestone of a Final Report in a timely manner.