

Review of All Rights Protection Mechanisms in gTLDs PDP Working Group – Update on ICANN65 Activity



Thursday, 18 July 2019

Introduction

- ⦿ This two-phased PDP was launched in February 2016; GNSO Council approved the WG charter in March 2016
- ⦿ The WG has completed preliminary review of: 1) Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP), 2) structure and operations of the Trademark Clearinghouse (TMCH); 3) Uniform Rapid Suspension (URS) dispute resolution procedure
- ⦿ ICANN Org commissioned Analysis Group, Inc. to develop and administer Sunrise & Claims surveys in collaboration with the Data Sub Team; survey period: 6 September - 5 October 2018
- ⦿ Sunrise and Trademark Claims Sub Teams analyzed the survey data, previously collected data, and additional sources to see if/how they help answer the Sunrise and Trademark Claims charter questions
- ⦿ At ICANN64 Kobe, the Sub Teams reported on the results of their data review
- ⦿ Prior to ICANN65 Marrakech, the Sub Teams were developing preliminary recommendations based on their data review, and conducting initial vetting of individual proposals

ICANN65 Marrakech Activities

- ⦿ At ICANN65 Marrakech, the WG held four sessions
- ⦿ The Sunrise and Trademark Claims Sub Teams used three and half of the four sessions to finalize their development of preliminary recommendations related to Sunrise and Trademark Claims RPMs
- ⦿ In the second half of the last session, the Trademark Claims Sub Team presented its status report to the WG
- ⦿ Following ICANN65, the two Sub Teams conducted a final approval of their deliverables and submitted their preliminary recommendations to the WG
- ⦿ The WG is in process reviewing the Sub Teams' deliverables

Trademark Claims Sub Team Status

- ⦿ Discussed five (5) Agreed Trademark Claims Charter Questions and reviewed five (5) Individual Proposals. The standard for accepting answers and proposals was whether they had gained ‘wide support’
- ⦿ Completed discussions, which took place during meetings and via discussion threads on the mailing list
- ⦿ Reviewed the draft language for proposed answers, preliminary recommendations, and proposed questions for community input
- ⦿ There was not wide support in the Sub Team for any of the individual proposals
- ⦿ In ICANN65, completed the review of the draft language and provided final input; finalized the determination on the individual proposals

Sunrise Sub Team Status

- ⦿ Discussed twelve (12) Agreed Sunrise Charter Questions and reviewed ten (10) Individual Proposals. The standard for accepting answers and proposals was whether they had gained 'wide support'
- ⦿ Completed discussions, which took place during meetings and via discussion threads on the mailing list
- ⦿ Reviewed the draft language for proposed answers, preliminary recommendations, and proposed questions for community input
- ⦿ There was not wide support in the Sub Team for any of the individual proposals, except for part of Individual Proposal #11
- ⦿ In ICANN65, completed the review of the draft language and provided final input; finalized the determination on the individual proposals

Timeline Overview

**Timeline subject to change pending WG progress*



- Chartered in March 2016 to conduct a two-phased PDP
- Phase 1 – RPMs applicable to gTLDs launched under the 2012 New gTLD Program:
 - TM-PDDRP
 - TMCH
 - Sunrise and Trademark Claims offered through the TMCH
 - URS dispute resolution procedure
- Phase 2 – UDRP (an ICANN Consensus Policy since 1999)
- Aiming to complete Phase 1 by mid-to-late April 2020

Detailed WG Timeline Post ICANN65

NOTE: Under this work plan, the period through ICANN65 (end-June) will be dedicated to Sub Team work. The full WG will resume its meetings in early July, upon completion of the Sub Team work.

Activity	Original Target Date (08 Feb 2019 version)	New Target Date (10 April 2019 version)	Notes
Receive Sub Team update on their work progress	-	24 - 27 June 2019 (ICANN65)	1 session for full WG meeting at ICANN65
Receive final Sub Team reports on all preliminary recommendations; commence review of Sub Team recommendations	22 & 29 May 2019	10 & 17 July 2019	TOTAL: 4 weeks to review and agree on Sunrise & Claims recommendations.
Complete discussion on all Sub Team preliminary recommendations	05 & 12 June 2019	24 & 31 July 2019	
Commence discussion of open TMCH questions (#7, #8, #10, #15)	24 - 27 June 2019 (ICANN65)	7, 14, 21 & 28 August 2019	TOTAL: 8 weeks to discuss and agree on open TMCH questions
Complete discussion of open TMCH questions #7, #8, #10, #15	10, 17 & 24 July 2019	04, 11, 18 & 25 September 2019	
Discuss deferred TMCH questions (#11, #13, #16)	31 July, 7 & 14 August 2019	02, 09, 16 & 23 October 2019	TOTAL: 4 weeks to discuss and agree on deferred TMCH questions
No WG meetings (week before ICANN66)	-	30 October 2019	
Review all preliminary recommendations identified for inclusion in Initial Report (for URS, Sunrise, Claims, TMCH)	21 & 28 August, 04 & 11 September 2019	02 - 07 November 2019 (ICANN66)	This assumes 4 sessions (60-90 minutes each) at ICANN66
No WG meetings (week after ICANN66)	-	13 November 2019	
Agree on any open questions for inclusion in Initial Report	-	20 November 2019	
No WG meetings (day before US Thanksgiving)	28 November 2019	28 November 2019	
Complete review draft Initial Report	Mid-September - Mid-October 2019	December 2019	TOTAL: 3 meetings in December (before ICANN offices close for the year)
Publish Initial Report for public comment	Late October 2019	10 January 2020	40-day comment period, will close 19 February 2020
Review comments received; discuss which preliminary recommendations should be modified or deleted, which open questions retained and answered, and any new issues	Late November 2019 - January 2020	February - April 2020	This represents a minimum of 6-7 weekly meetings, plus 4 sessions at ICANN67, to review the public comments. ICANN67: 07 - 12 March 2020
Submit Phase One report to GNSO Council	Mid-February 2020	Mid/Late-April 2020	

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Thank You and Questions