**MOTION IN RELATION TO COUNCIL ACTION ON THE FINAL REPORT FROM THE IGO-INGO ACCESS TO CURATIVE RIGHTS MECHANISMS POLICY DEVELOPMENT PROCESS WORKING GROUP**

**9 July 2018**

Whereas:

1. In November 2013, as a result of its adoption of consensus recommendations from the Working Group that had concluded work on a Policy Development Process (PDP) concerning the Protection of International Organization Identifiers in All gTLDs (IGO-INGO PDP WG), the GNSO Council requested an Issue Report on the topic of amending the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension procedure (URS) to enable International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs) to access and use these curative rights protection mechanisms;
2. On 5 June 2014, following its review of the Final Issue Report published by ICANN staff on the Access by IGOs and INGOs to the Curative Rights Protections of the UDRP and URS ([http://gnso.icann.org/en/drafts/igo-ingo-crp-final-25may14-en.pdf](https://gnso.icann.org/en/drafts/igo-ingo-crp-final-25may14-en.pdf)), the GNSO Council initiated this PDP 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 PDP WG) 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;
3. In initiating this PDP, the GNSO Council had requested that the PDP Working Group be convened as soon as possible in order to fulfill the requirements of this PDP in an expedited manner (<https://gnso.icann.org/en/council/resolutions#20140605-2>);

1. On 25 June 2014, the GNSO Council adopted the PDP Working Group Charter (<https://gnso.icann.org/en/council/resolutions#20140625-1>), which was subsequently amended in April 2015 following initial work by the PDP Working Group on the scope of the list of IGOs and INGOs to be considered in this PDP (<https://gnso.icann.org/en/council/resolutions#20150416-3>);
2. Between October 2015 and June 2016, the PDP Working Group consulted with an external legal expert to determine the applicability and scope of the doctrine of IGO jurisdictional immunity in relation to its Charter, and in October 2016 the PDP Working Group considered the proposal that had been forwarded by the ICANN Board as a result of work by the “IGO Small Group” comprising Governmental Advisory Committee (GAC), IGO and ICANN Board representatives;
3. In January 2017, the PDP Working Group published its Initial Report for public comment, which included several preliminary recommendations and two possible policy options on the remaining issue of IGO jurisdictional immunity. The GAC, 21 IGOs and a number of GNSO Stakeholder Groups and Constituencies submitted comments on the Initial Report, which were reviewed by the PDP Working Group and which included feedback on the policy options for handling the issue of IGO jurisdictional immunity (<https://www.icann.org/public-comments/igo-ingo-crp-access-initial-2017-01-20-en>);
4. Since October 2012, the GAC has issued advice on the topic of IGO identifier protections, including specific advice concerning what in the GAC’s view could constitute appropriate curative rights protections for IGOs as objectively different rights-holders (see, e.g. <https://gac.icann.org/contentMigrated/icann57-hyderabad-communique>). The GAC has also expressed concern over the possibility that this PDP Working Group’s final recommendations may differ from GAC advice on the topic (see, e.g. <https://gac.icann.org/contentMigrated/icann60-abu-dhabi-communique>);
5. Since October 2017, the PDP Working Group has been focused on developing agreed policy recommendations that it believes can balance the needs and concerns of IGOs with the rights of registrants;
6. On 9 July 2018, the PDP Working Group submitted its Final Report to the GNSO Council (INSERT LINK), which contains five consensus recommendations and in which several Working Group members had indicated their intentions to file minority statements documenting their disagreement either with one or more of the final recommendations or other parts of the Final Report;
7. The GNSO Council notes that several inconsistencies between GAC advice and consensus recommendations from the IGO-INGO PDP WG have yet to be reconciled, including on the topic of appropriate protections for IGO acronyms (both preventative and curative). The GNSO Council notes that until these issues are resolved, IGO acronyms remain reserved on an interim basis at the second level of the domain name system for those gTLDs delegated under the 2012 New gTLD Program round.

Resolved:

1. The GNSO Council thanks the Working Group for its hard work and acknowledges receipt of the Final Report.
2. In view of the need to consider the topic of curative rights protections for IGOs in the broader context of appropriate overall scope of protection for all IGO identifiers (including IGO acronyms), the GNSO Council intends to review this Final Report from the IGO-INGO Access to Curative Rights Mechanisms PDP Working Group between now and its August 2018 meeting, with a view toward developing a possible path forward that will also facilitate the resolution of the outstanding inconsistencies between GAC advice and prior GNSO policy recommendations on the overall scope of IGO protections. The GNSO Council confirms its intention to act on the recommendations that have been developed by the Working Group at the earliest opportunity following its review and deliberations on these topics.
3. To this end, ICANN staff is directed to inform the ICANN Board and the GAC that the IGO-INGO Access to Curative Rights Mechanisms PDP Working Group has completed its work and forward a copy of the Final Report to them.