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## GNSO Policy Recommendations on IGO-INGO Protections

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**Topic:**

IGO-INGO Protections in gTLDs

**Summary:**

Board approves GNSO's policy recommendations on IGO-INGO Protections that are not inconsistent with GAC advice received on the topic, and requests more time to consider the remaining recommendations.

**Category:**

gTLDs

**Meeting Date:**

Wed, 30 Apr 2014

**Resolution Number:**

2014.04.30.03-2014.04.30.05

**URL for Resolution:**

<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>  
(<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>)

**Status:**

Ongoing

**Implementation Actions:**

Facilitation of discussions among relevant parties to reconcile remaining differences between policy recommendations and the GAC advice on topic

- Responsible entity: Board
- Due date: None stated
- Completion date: Ongoing

Develop implementation plan for the recommendations in consultation with the GNSO and continue communication on the implementation

- Responsible entity: President and CEO
- Due date: None stated
- Completion date: Ongoing

## **Resolution Text:**

Whereas, on 17 October 2012, the GNSO Council launched a Policy Development Process (PDP) on the Protection of IGO-INGO Identifiers in All gTLDs addressing the questions set forth in the PDP Working Group Charter at <http://gnso.icann.org/en/issues/igo-ingo-charter-15nov12-en.pdf> (<http://gnso.icann.org/en/issues/igo-ingo-charter-15nov12-en.pdf>) [PDF, 189 KB];

Whereas, the PDP followed the prescribed PDP steps as stated in the ICANN Bylaws and the GNSO PDP Manual, and resulted in a Final Report delivered to the GNSO Council on 10 November 2013 (see <http://gnso.icann.org/issues/igo-ingo-final-10nov13-en.pdf> (<http://gnso.icann.org/issues/igo-ingo-final-10nov13-en.pdf>)) [PDF, 645 KB];

Whereas, the Protection of IGO-INGO Identifiers in All gTLDs Working Group (IGO-INGO WG) reached consensus on twenty-five recommendations in relation to the issues outlined in its Charter;

Whereas, the GNSO Council adopted the consensus recommendations made by the IGO-INGO WG by a unanimous vote at its meeting on 20 November 2013 (see <http://gnso.icann.org/en/council/resolutions#20131120-2> (<http://gnso.icann.org/en/council/resolutions#20131120-2>));

Whereas, the GNSO Council vote met and exceeded the required voting threshold established in the ICANN Bylaws to impose new obligations on certain ICANN contracted parties;

Whereas, after the requisite public comment period (<http://www.icann.org/en/news/public-comment/igo-ingo-recommendations-27nov13-en.htm>), the GNSO Council sent the consensus recommendations to the ICANN Board in accordance with the ICANN Bylaws;

Whereas, on 7 February 2014, the Board (i) acknowledged receipt of the GNSO recommendations, (ii) requested additional time to consider the GNSO recommendations along with GAC advice on the same topic, and (iii) directed the ICANN Board New gTLD Program Committee (NGPC) to develop a proposal for subsequent Board consideration that would take into account both the GNSO recommendations and GAC advice (see <http://www.icann.org/en/groups/board/documents/resolutions-07feb14-en.htm>... (<http://www.icann.org/en/groups/board/documents/resolutions-07feb14-en.htm#2.a>));

Whereas, the Board has engaged in dialogue with the ICANN community during the 49th ICANN Public Meeting in Singapore in March 2014;

Whereas, Annex A, Section 10 of the ICANN Bylaws provides that "[u]pon a final decision of the Board adopting the policy, the Board shall, as appropriate, give authorization or direction to ICANN staff to work with the GNSO Council to create an implementation plan based upon the implementation recommendations identified in the Final Report, and to implement the policy."

Resolved (2014.04.30.03), the Board hereby adopts the GNSO Council's unanimous recommendations on the Protection of IGO-INGO Identifiers in All gTLDs set forth in Annex A [PDF, 74 KB] attached hereto (which includes the GNSO recommendations that are not inconsistent with the GAC's advice).

Resolved (2014.04.30.04), the Board requests additional time to consider the GNSO Council's remaining unanimous recommendations on the Protection of IGO-INGO Identifiers in All gTLDs, as set forth in Annex B [PDF, 90 KB] attached hereto, and will facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic.

Resolved (2014.04.30.05), the Board directs the President and CEO, or his designee, to develop an implementation plan for the recommendations adopted herein pursuant to the ICANN Bylaws Annex A, Section 10 in consultation with the GNSO, and continue communication with the GAC and the community on such implementation.

### **Rationale for Resolution:**

On 20 November the GNSO Council unanimously approved twenty-five consensus recommendations from the PDP Working Group on Protections for IGO-INGO Identifiers in All gTLDs, which had been chartered [PDF, 189 KB] by the GNSO Council in October 2012 to develop recommendations regarding this topic.

On 7 February 2014 the Board approved a Resolution, after receiving the GNSO Council's Recommendations Report [PDF, 705 KB], acknowledging receipt of the GNSO Council's recommendations and requesting additional time to consider them in order to take into account GAC advice addressing the same topic. The Board also directed the NGPC to consider the GNSO's policy recommendations as it continued to actively develop an approach to respond to the GAC advice on IGO protections, and to also develop a comprehensive proposal to address the GAC advice and the GNSO recommendations for consideration by the Board at a subsequent meeting.

On 13 March 2014 the Chair of the ICANN Board sent [PDF, 504 KB] a draft proposal from the NGPC to the GAC Chair, and on 20 March 2014 the NGPC Chair sent [PDF, 131 KB] the same draft proposal to the GNSO Council Chair. During ICANN's 49th Public Meeting in Singapore, the Vice-Chair of the ICANN Board informed<sup>1</sup> [PDF, 697 KB] the community of the Board's plans for next steps in relation to IGO and INGO protections, including the possibility that the Board may proceed to adopt those of the GNSO's recommendations that are not inconsistent with GAC advice. In general, the GNSO policy recommendations are largely consistent with the advice submitted by the GAC to the ICANN Board. However, there are specific GNSO policy recommendations that differ from the GAC's advice. For those recommendations that differ from the GAC's advice, the Board would be open to the possibility of facilitating discussions with the relevant parties, including the ALAC, the GAC and the GNSO, to understand the various perspectives before evaluating and acting on one of the several options open to it under the ICANN Bylaws.

The GAC provided consensus advice to the ICANN Board on the topic of IGO protections on several occasions, including specifically in the GAC's Beijing Communiqué [PDF, 156 KB] (April 2013); Durban Communiqué [PDF, 238 KB] (July 2013); and Buenos Aires Communiqué [PDF, 97 KB] (November 2013)<sup>2</sup>.

By taking action to adopt some of the GNSO's recommendations now and involving the community in further discussions regarding the remaining recommendations, the Board will be facilitating continuing community dialogue over possible ways of reconciling differing advice and recommendations in the lead-up to ICANN's 50th Public Meeting in London in June.

### **Other Related Resolutions:**

- 26 November 2012 resolution regarding potential IGO protections in the New gTLD Program, at <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-26no...> (<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-26nov12-en.htm#1.b>).
- Other resolutions TBD

### **Additional Information:**

Information on the GNSO's policy work on the Protection of IGO and INGO Identifiers in All gTLDs is available at <http://gnso.icann.org/en/group-activities/active/igo-ingo> (<http://gnso.icann.org/en/group-activities/active/igo-ingo>).