# Background

## Issue Background

### Issue Overview

The question of who legally has rights to, or is the legitimate holder of, a domain name can be open to dispute. Since the Internet is a global resource and domain name holders are dispersed among numerous different jurisdictions, finding an effective, enforceable, and reliable process to resolve rights disputes across various jurisdictions is not an easy undertaking.

Over time, ICANN has developed a number of dispute resolution policies and procedures that attempt to address this issue and provide enforceable remedies for certain types of disputes concerning domain name registrations. These policies are essentially alternative dispute resolution procedures to court litigation that nevertheless do not preclude the initiation of legal proceedings in the appropriate jurisdiction.

In relation to domain name disputes concerning the registration and use of legally protected trademarks, the Uniform Dispute Resolution Policy (UDRP) is the longest standing alternative dispute resolution procedure.[[1]](#footnote-1) In general, community feedback to date indicates that many believe the UDRP to be an effective and expedient alternative to more time consuming and expensive court litigation, and that the UDRP is viewed as reliable, predictable, and consistent. The effectiveness of the UDRP with regard to disputes in the global DNS has meant that court resolutions of such disputes are rarely sought.[[2]](#footnote-2)

As a result of the 2012 New gTLD Program, several new rights protection mechanisms (RPMs) were also developed to mitigate potential risks and costs to trademark rights holders that could arise in the expansion of the new gTLD namespace, and to help create efficiencies for registration service providers among gTLD launches. These new mechanisms were developed in the course of implementation of the New gTLD Program. They are the Uniform Rapid Suspension System (URS), the Trademark Clearinghouse (TMCH) and the associated availability through the TMCH of Sunrise and the Trademark Claims Services, and the Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP).[[3]](#footnote-3)

Where the UDRP and URS cover trademark-related disputes arising over an actual domain name that has been registered in the second level of a gTLD (i.e. they are so-called “curative” mechanisms), the TMCH and the services provided using TMCH-verified data such as Sunrise and Trademark Claims are intended to facilitate trademark owners’ ability to prevent registration of domain names matching their marks (i.e. these are so-called “preventative” mechanisms).

Prior to the launch of the New gTLD Program, on 3 October 2011 ICANN staff had published a Final Issue Report on the current state of the UDRP.[[4]](#footnote-4) The recommended course of action in that UDRP Report was not to initiate a Policy Development Process (PDP) at the time, but to hold off launching any such PDP until after the new URS had been in operation for at least eighteen (18) months.

Subsequently, on 15 December 2011, the GNSO Council requested that ICANN staff prepare and publish a new Issue Report on the state of all rights protection mechanisms implemented for both existing and new gTLDs, including but not limited to the UDRP and URS.[[5]](#footnote-5) As a result of that GNSO Council request, the Final Issue Report on a PDP to Review All RPMs in All gTLDs was published on 11 January 2016.[[6]](#footnote-6)

### Trademark Clearinghouse (TMCH) Background

The TMCH is a global database of verified trademark information intended to support other rights protection processes such as Sunrise registrations and the Trademark Claims service. It opened for submission of trademark records in March 2013.

Benefits of recording a trademark with the Clearinghouse include access to Sunrise registration with new gTLD registries. This involves an initial period of at least thirty (30) days before domain names are offered to the general public.

The Clearinghouse also supports a Trademark Claims service that runs for at least the first ninety (90) days of general registration. During this period, anyone attempting to register a domain name matching a mark that is recorded in the TMCH will receive a notification displaying the relevant mark information. If the notified party nevertheless goes ahead and registers the domain name, the TMCH will send a notice to those trademark holders with matching records in the Clearinghouse, informing them that someone has registered the domain name.

The TMCH currently accepts and verifies information on the following types of intellectual property rights: (i) nationally or regionally registered trademarks; (ii) court-validated marks; and (iii) marks protected by statute or treaty (such as geographical indications or designations of origin).[[7]](#footnote-7)

Learn More: <https://newgtlds.icann.org/en/applicants/agb/trademark-clearinghouse-04jun12-en.pdf>

### Sunrise Service Background

The verified data in the TMCH is used to support Sunrise services, which allow trademark holders an early opportunity to register domain names corresponding to their marks before domain names are made generally available to the public.

The RPM Staff Paper explains that New gTLD registries are required to offer a Sunrise period of at least 30 days. This can occur in line with one of two options:[[8]](#footnote-8)

(i) In the case of a Start-Date Sunrise, the Registry Operator must provide the service for a minimum of thirty (30) calendar days prior to General Registration and must provide thirty (30) calendar days’ notice prior to the start of the Sunrise period.

(ii) In the case of an End-Date Sunrise, the Registry has no advance notice requirement; however, the Registry Operator must provide the service for a minimum of sixty (60) calendar days prior to General Registration, and must not use a time-based allocation method (e.g., first come, first served).

The majority of registries who have launched to date have offered an End-Date Sunrise.[[9]](#footnote-9)

New gTLD Registry Operators are also obliged to maintain a Sunrise Dispute Resolution Policy (SDRP), which allows for challenges to Sunrise registrations related to the Registry Operator’s allocation and registration policies, including on the grounds that the domain name that was registered does not match the trademark record on which the Sunrise-eligible rights holder based its Sunrise registration.

### Trademark Claims Service Background

The Trademark Claims period follows the Sunrise period and runs for at least the first ninety (90) days of general registration in which domain names are made available to all registrants who are able to register domain names within the particular gTLD.

During the Trademark Claims period for a gTLD, anyone attempting to register a domain name matching a mark that is recorded in the TMCH will receive a notification displaying the relevant mark information. “The Claims Notice is intended to provide clear notice to the prospective domain name registrant of the scope of the Trademark Holder’s rights.”[[10]](#footnote-10) Should the notified party nevertheless proceed to register that domain name, the relevant trademark holder with a matching record in the TMCH is then notified of the registration.

Learn More: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>

### Uniform Rapid Suspension System (URS) Background

The URS was designed as a complement to the UDRP, and is intended to provide trademark owners with a quick and low-cost process to act against those infringing on their intellectual property rights and to combat cybersquatting.[[11]](#footnote-11) In this respect, the substantive grounds upon which a trademark holder would file a Complaint under the URS are essentially similar to those under the UDRP.[[12]](#footnote-12)

Much like the UDRP, trademark holders may initiate a URS proceeding by electronically filing a Complaint with a URS Provider.[[13]](#footnote-13) The fees associated with a URS proceeding range from USD300-500. Procedurally, once a trademark holder files a URS Complaint, the Registry Operator immediately locks the domain against changes. The Provider then notifies the registrant against whom the Complaint has been filed, who has fourteen (14) days to submit a response.

The remedy for a successful URS Complaint is the suspension of the domain name for the balance of the registration period, with the Complainant’s option to extend that period for one additional year.[[14]](#footnote-14)

In addition to the differing remedies available to a successful Complainant under the UDRP (i.e. cancellation or transfer of the domain name) and the URS (i.e. suspension of the domain name), another area where the URS differs substantially from the UDRP is that of the standard of proof required to succeed on a claim. Where under the UDRP the Complainant must prove his/her case through a preponderance of the evidence, under the URS there must be clear and convincing evidence. The reason for this is that, as a complement to rather than a substitute for the UDRP, the URS was expressly designed to apply only to clear-cut cases.

Learn More:

* URS Rules: <https://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf>
* URS Procedure: <https://newgtlds.icann.org/en/applicants/urs/procedure-01mar13-en.pdf>

### Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP) Background

Three new dispute resolution procedures were developed for the 2012 New gTLD Program: the Registration Restrictions Dispute Resolution Procedure (RRDRP), the Public Interest Commitments Dispute Resolution Procedure (PIC-DRP), and the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP). Unlike the UDRP and URS, these are dispute resolution processes address a new gTLD Registry Operator’s conduct rather than alleged bad faith registration of a second level domain name by a registrant.

Of the current three PDDRPs, only the TM-PDDRP is intended to address trademark-related issues in the registry; the RRDRP and the PIC-DRP were not specifically designed as RPMs for the same purpose, although they can serve this function in certain limited circumstances.[[15]](#footnote-15)

The TM-PDDRP generally addresses a Registry Operator's complicity in trademark infringement on the first or second level of a New gTLD. At least 30 days prior to filing a formal Complaint, a rights holder must notify the Registry of the alleged infringing conduct and express a willingness to meet to resolve the issue.

Learn More:

* TM-PDDRP Rules: <http://newgtlds.icann.org/en/applicants/agb/pddrp-rules-15oct13-en.pdf>
* TM-PDDRP Procedure: <http://newgtlds.icann.org/en/applicants/agb/pddrp-04jun12-en.pdf>

### Additional Marketplace RPMs Background

In addition to the RPMs that ICANN mandated in the course of the development of the Applicant Guidebook for the 2012 New gTLD Program, several Registry Operators and the TMCH Validation Service Provider voluntarily adopted additional RPMs for those gTLDs they managed or provided services for, that collectively extend the scope of trademark rights protection beyond ICANN’s mandatory RPMs. The Working Group agreed to use the phrase “additional marketplace RPMs” to describe these mechanisms.

Some examples of the additional marketplace RPMs include:

* **Protected Marks Lists**: This protection mechanism was first launched by Registry Operator Donuts Inc. It allows trademark holders, as confirmed by the TMCH Database, to block registrations for strings consisting of or containing their brand name or trademark across of the Registry Operator’s gTLDs.[[16]](#footnote-16)
* **Perpetual Block:** This mechanism allows a registered trademark holder to block any attempts to register a trademarked domain within a particular TLD by making a one time payment. For example, ICM Registry provides a perpetual blocking option in its .xxx domain space.[[17]](#footnote-17)

## Process Background

### Process Overview

On 18 February 2016, the GNSO Council initiated the PDP on the Review of All RPMs in All gTLDs.[[18]](#footnote-18) On 15 March 2016, the GNSO Council chartered the PDP Working Group to conduct a review of all Rights Protection Mechanisms (RPMs) in all gTLDs in two phases.[[19]](#footnote-19) Phase 1 focuses on reviewing all the RPMs applicable to gTLDs launched under the 2012 New gTLD Program. Phase 2 will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999. On 21 April 2016, the Working Group held its first meeting to commence its Phase 1 work and has been meeting regularly since that time.

The Working Group’s Charter, as approved by the GNSO Council, maps out the deliverables expected in each phase of work and notes the need for the Working Group to track and if appropriate, coordinate its work with other relevant efforts underway (e.g. the Competition, Consumer Trust & Consumer Choice (CCT) Review Team and the GNSO’s New gTLD Subsequent Procedures PDP).

In addition, the Charter contains a list of specific topics and questions that were reproduced verbatim from previous ICANN community consultations on the topic of RPMs. This led to the Working Group agreeing, early on in its work, that it would first need to refine these original Charter questions so as to clarify their intent and ensure that the PDP discussions remain objective and neutral.

Finally, the Charter also includes several general, overarching questions as well as a number of additional questions that the Working Group is expected to address at the conclusion of Phase 1 or Phase 2 of its work, as appropriate. These overarching Charter questions are described in the “Next Steps” section of this Final Report.

### Process Milestones

* On 11 January 2016, ICANN organization (ICANN org) published the Final Issue Report on Policy Development Process to Review All Rights Protection Mechanisms (RPMs) in All Generic Top Level Domains. In the Final Issue Report, ICANN org recommended that the GNSO Council commence a policy development process (PDP) to conduct the policy review of all the RPMs in two phases -- Phase 1 being a review of the RPMs developed for the New gTLD Program and Phase 2 of work a review of the UDRP.
* On 18 February 2016, the GNSO Council initiated the PDP.
* On 15 March 2016, the GNSO Council approved the Charter for the Working Group.
* On 21 March 2016, a Call for Volunteers for the Working Group was issued.
* On 21 April 2016, the Working Group held its first meeting, with Philip Corwin, the initial GNSO Council liaison, acting as the interim Working Group Chair.
* On 24 May 2016, the GNSO Council confirmed the appointment of Kathy Kleiman, Philip Corwin, and J. Scott Evans as Working Group Co-Chairs, and confirmed the appointment of Paul McGrady as the GNSO Council Liaison to the PDP Working Group.[[20]](#footnote-20)
* On 28 May 2016, the Working Group sent outreach letters to solicit early input from each GNSO Stakeholder Group and Constituency and other Supporting Organizations and Advisory Committees.
* In November 2016, the Working Group completed its review of the TM-PDDRP.
* On 6 April 2018, the Working Group completed its initial review of the additional marketplace RPMs.
* On 24 May 2018, the GNSO Council confirmed the appointment of Brian Beckham as an additional Co-Chair, succeeding J. Scott Evans, to join existing Co-Chairs Philip Corwin and Kathy Kleiman.
* On 24 July 2019, the Working Group completed its initial review of the Sunrise and Trademark Claims services.
* On 23 October 2019, the Working Group completed its review of the structure and scope of the TMCH.
* On 6 November 2019, the GNSO Council appointed John McElwaine as the GNSO Council Liaison to the PDP Working Group, replacing Paul McGrady who was term-limited as a GNSO Councilor.
* On 15 January 2020, the Working Group concluded its review of the URS.
* On 4 March 2020, the GNSO Council approved a Project Change Request submitted by the Working Group, reflecting a revised 9th work plan that projects the submission of the Phase 1 Final Report by mid-October 2020.
* On 11 March 2020, the Working Group completed its review of its draft Phase 1 Initial Report.
* On 18 March 2020, the Working Group published its Phase 1 Initial Report for public comment.
* On 21 April 2020, the Working Group extended its Phase 1 Initial Report public comment for one additional week, with a new closing date on 4 May 2020.
* On 4 May 2020, the Working Group closed the public comment period for its Phase 1 Initial Report, receiving a total number of fifty-five (55) submissions (38 from organizations, five from ICANN community groups, and 12 from individuals).
* On 8 September 2020, the Working Group completed review and deliberation on all public comments received.
* On 24 September 2020, the GNSO Council approved a Project Change Request submitted by the Working Group, reflecting a revised 10th work plan that projects the submission of the Phase 1 Final Report by late-November 2020.
* On xx month 2020, the Working Group completed its review of the proposed text of its Phase 1 final recommendations for inclusion in the Final Report, including new additional recommendations developed based on public comments received and reference to the CCT-RT and EPDP Phase 1 recommendations.
* On xx month 2020, the Working Group completed its review of its draft Phase 1 Final Report.
* From xx Month to xx Month 2020, the Working Group conducted a consensus call on all final recommendations.
* On xx Month 2020, the Working Group Co-Chairs issued their Consensus Designations of all final recommendations.
* On xx Month 2020, the Working Group received all minority statements for inclusion in its Phase 1 Final Report.
* On xx Month 2020, the Working Group submitted its Phase 1 Final Report to the GNSO Council for review and approval.

### TM-PDDRP Review Process

* In June 2016, the Working Group commenced its review of the TM-PDDRP, having agreed that this should be the first RPM that it would review for Phase 1 of this PDP.
* In August 2016, The Working Group surveyed the three TM-PDDRP Providers and, based on Working Group discussions of the initial responses received, sought additional feedback from the Providers.
* In September-October 2016, the Working Group discussed a number of potential modifications to the procedure, but due to the fact that no Complaint had been filed, agreed that it was premature to propose substantive changes.
* In November 2016, the Working Group completed its initial review of the TM-PDDRP. It tasked a small team of Working Group volunteers to develop a specific recommendation for a procedural modification to the procedure.
* In January 2017, the small team met to discuss and agree on the procedural modification, which concerned the filing of a joint Complaint by several trademark holders and the consolidation of multiple Complaints against a single Registry Operator.
* In March 2020, the Working Group agreed to publish this specific preliminary recommendation for public comment in its Initial Report.
* On 15 September 2020, following the deliberation on all public comments received, the Working Group agreed to publish this recommendation “as is”, as part of its Phase 1 final recommendations in its Final Report.

### TMCH Review Process

* In November 2016, a survey developed by the Working Group’s TMCH Data Gathering Sub Team was distributed to Registry Operators, Registrars and the TMCH Validation Service Provider (Deloitte). Three Registry Operators responded to the survey.
* In December 2016, the TMCH Charter Questions Sub Team completed its work of refining the original TMCH related Charter questions and suggested that the refined questions be grouped into specific categories to facilitate deliberations.
* In March 2017, the Working Group met with Deloitte during the ICANN58 Copenhagen meeting. The Working Group subsequently followed up with Deloitte on a number of data points.
* In July 2017, following initial discussions about specific proposals that had been submitted by individual Working Group members about certain aspects of the TMCH, the Working Group decided to defer further discussions on these topics until it had completed an initial review of the Sunrise and Trademark Claims services.
* On 23 October 2019, the Working Group completed its review of the structure and scope of the TMCH. It agreed on one preliminary recommendation and agreed to publish seven (7) proposals submitted by individual Working Group members, that at this time had not attained sufficient support to be considered Working Group preliminary recommendations, in its Initial Report for public comment.
* On 6 October 2020, following the deliberation on all public comments received, the Working Group agreed to publish a total number of four (4) recommendations pertaining to the TMCH, including three new recommendations originated from the individually-submitted proposals, as part of its Phase 1 final recommendations in its Final Report.

### Sunrise & Trademark Claims Services Review Process

* In March 2017, the Working Group formed a Sunrise Charter Questions Sub Team and a Trademark Claims Charter Questions Sub Team to refine the original Charter Questions.
* Between April-July 2017, the Working Group discussed a report on an Independent Review of TMCH Services that had been prepared by the Analysis Group and commissioned by ICANN org based on a recommendation from the Governmental Advisory Committee (GAC). During this time, the Working Group also met with representatives of the Analysis Group to discuss the report.
* In July 2017, following completion of work by its two Sub Teams, the Working Group began to develop a funding request to seek resources for professional surveys it believed were needed, in order to obtain data critical to reviewing the Sunrise and Trademark Claims services. The GNSO Council approved this data request in September 2017.
* In August 2017, as part of its data analysis work, the Working Group reviewed the results of the INTA Cost Impact Survey that had been conducted as part of the CCT Review.
* In October 2017, a new RPM Data Sub Team began to develop guidance, based on the Working Group’s identified data needs and the work done to date, for the vendor to develop surveys. These surveys were intended to obtain quantitative and anecdotal evidence from several different target groups (e.g. Registry Operators, Registrars, Trademark and Brand Owners, and Actual and Potential Registrants) related to the Sunrise and Trademark Claims services.
* In May 2018, the Analysis Group, which had been selected by ICANN org as the survey vendor through ICANN org’s Request For Proposal process, began working with the RPM Data Sub Team to finalize the surveys.
* In October 2018, at ICANN63 in Barcelona, the Analysis Group presented its findings from the surveys. The Working Group subsequently formed a Sunrise Data Review Sub Team and a Trademark Claims Data Review Sub Team to: 1) analyze the Sunrise and Trademark Claims related data collected to date, and 2) propose preliminary recommendations for consideration by the full Working Group.
* In July 2019, the Working Group endorsed the Sub Team-proposed preliminary recommendations for Sunrise and Trademark Claims.
* On 8 October 2020, following the deliberation on all public comments received, the Working Group agreed to publish a total number of eight (8) recommendations pertaining to Sunrise and six (6) recommendations pertaining to Trademark Claims as part of its Phase 1 final recommendations in its Final Report.

### Additional Marketplace RPMs Review Process

* In May 2017, the Working Group Co-Chairs proposed an approach by which the Working Group could discuss and understand the scope and mechanics of the various additional marketplace RPMs that were being offered by a number of Registry Operators and Deloitte, the current TMCH Validation Service Provider. The Working Group agreed to form a Sub Team that would review the Co-Chairs’ proposed questions and propose a refined set of questions to the full Working Group.
* In September 2017, the Additional Marketplace RPMs Sub Team submitted a final set of proposed questions for the Working Group to consider.
* Also in September 2017, the GNSO Council approved the Working Group’s request to contract with a professional services firm to conduct surveys relating to the Sunrise and Trademark Claims services offered through the TMCH. The Working Group formed the RPM Data Sub Team to develop specific guidance for the survey provider.
* In March 2018, the RPM Data Sub Team discussed the work that had been done to date on the additional marketplace RPMs and agreed that most of the questions were already subsumed into the work for the Sunrise and Trademark Claims surveys.
* In April 2018, the RPM Data Sub Team agreed that any remaining questions about the additional marketplace RPMs questions, which the Working Group concludes to have not been addressed by the outcomes of the Sunrise and Trademark Claims surveys, could be sent to Deloitte for additional follow up. In addition, the Sub Team suggested that, following the completion of its review of the Sunrise and Trademark Claims RPMs, the Working Group consider this question: “How, and to what extent, does use of Protected Marks Lists (e.g. blocking services) affect the utilization of other RPMs, especially Sunrise registrations?” This question was placed in the “Next Steps” section in its Initial Report as a topic for the Working Group to return to, following its review of all public comments to the Initial Report.[[21]](#footnote-21)
* On 21 July 2020, during its review of public comments received, the Working Group agreed that it did not collect sufficient data to develop a meaningful answer to the aforementioned question. While the Working Group noted that several commenters expressed the desire for the Globally Protected Mark List (GPML) as an additional measure, it agreed not to develop any recommendation with regard to additional mandatory RPMs equivalent to GPML.[[22]](#footnote-22)

### URS Review Process

* In December 2017, the Working Group agreed to commence the URS review by grouping the original Charter questions into a list of specific sequential topics. The Working Group also agreed to apply a standard set of high level questions to the review, as a framework for evaluating and developing preliminary recommendations for the URS.
* In February 2018, three URS Sub Teams (i.e. URS Providers, URS Practitioners, and URS Documents Sub Teams) began their work. The URS Providers and URS Practitioners Sub Teams were tasked to develop, administer, and analyze results of surveys for the current URS Providers and experienced URS Practitioners. The URS Documents Sub Team was tasked with 1) identifying various data sources in addition to what would be sought from the URS providers and practitioners, 2) reviewing and examining specific categories of URS cases, and 3) developing potential recommendations for full Working Group consideration.
* In May 2018, Professor Rebecca Tushnet, a member of the Working Group, presented her individual analysis of URS cases to the Working Group.
* In August 2018, the three Sub Teams discussed their preliminary findings/issues with the full Working Group, as well as their proposals for recommendations and operational fixes and proposed questions for community input. Individual Working Group members were also invited to submit proposals for consideration by the Working Group, in addition to the proposals developed by the three Sub Teams.
* In October 2018 during the ICANN63 Barcelona meeting, the Working Group completed its initial review of the URS, including its initial deliberation on the thirty-four (34) proposals from its three Sub Teams and thirty-six (36) proposals submitted by individual Working Group members. It subsequently conducted a survey to assess the level of support for including each of these individually-submitted proposals in the Initial Report for community input.
* Subsequently, in November 2019 during the ICANN66 Montréal meeting, the Working Group agreed that it would need to: 1) conclude its initial review of the URS procedure; 2) consolidate or otherwise finalize the Sub Team proposals to formulate the Working Group preliminary recommendations; and 3) narrow down the number of individual proposals for inclusion in the Initial Report. This work was completed in December 2019 for the Sub Team proposals and January 2020 for the individual proposals.
* On 22 and 27 August 2020, the Working Group referenced relevant sections in the Wave 1 Report of the Expedited PDP (EPDP) on a Temporary Specification for gTLD Registration Data Phase 1 Recommendation #27. On August 22nd, one WG member pointed out that the wave table summarizing the EPDP (which turns out to be different from language of the EPDP itself) appeared to be at odds with recently-adopted language and recommendations of the RPM WG.
* On 13 October 2020, following the deliberation on all public comments received, the Working Group agreed to publish a total number of fifteen (15) recommendations pertaining to the URS, including five (5) new recommendations originated from the individually-submitted proposals and one (1) additional recommendation as a result of the public comment review, as part of its Phase 1 final recommendations in its Final Report.

### Public Comment Review Process & Final Recommendation Development

* Following the end of the public comment proceeding of the Phase 1 RPM PDP Initial Report on 4 May 2020, staff began developing a public comment review tool to facilitate the Working Group’s deliberation.
* On 19 May 2020, the Working Group formed two sub groups to review the public comments concerning the preliminary recommendations published in its Phase 1 Initial Report (specifically the recommendations pertaining to the TMCH, Sunrise, Trademark Claims, URS, and TM-PDDRP), using the staff-developed tool.
* On 23 June 2020 during the ICANN68 Virtual Meeting, the Working Group began reviewing the public comments relating to proposals published in the Initial Report that did not rise to the level of preliminary recommendations, as well as comments pertaining to overarching Charter questions and general input, using the staff-developed public comment review tool.
* On 17 July 2020, the two sub groups completed their review of public comments pertaining to preliminary recommendations and forwarded their suggestions and outcomes to the full Working Group for consideration.
* On 6 August 2020, the Working Group completed the initial review of public comments relating to the 24 individually-submitted proposals that did not rise to the level of preliminary recommendations, and agreed to preserve nine of them for a second round of review to consider if they could gain consensus support as Working Group final recommendations, subject to further Working Group discussions about the updated language.
* On 25 August 2020, the Working Group completed the review of public comments pertaining to overarching Charter questions and general input. See the Working Group conclusion of this review in “Annex B - Charter Questions”.
* On 8 September 2020, the Working Group completed the review and deliberation on all public comments received, including the sub groups’ suggestions and outcomes relating to the review of public comments for preliminary recommendations.
* On 1 October 2020, the Working Group completed the review of the staff-proposed overarching data collection recommendation in relation to the TMCH, URS, Sunrise, and Trademark Claims.
* On 8 October 2020, the Working Group concluded its small team efforts to consider developing new additional recommendations based on the review of public comments. This small team effort resulted in one (1) additional recommendation related to the TMCH (see TMCH Final Recommendation #1).
* On 9 October 2020, support staff circulated the draft Phase 1 Final Report for the Working Group’s review and discussion.
* On 13 October 2020, the Working Group completed the review of eight (8) new recommendations originated from individually-submitted proposals, which were preserved for a second round of review and discussion by the Working Group.
* On xx month 2020, the Working Group completed the review of its draft Phase 1 Final Report.

## Related Work by the GNSO, the ICANN Community, and the ICANN Organization

### Related Work Prior to the Initiation of this PDP

Prior to the initiation of this PDP, the GNSO and ICANN org had worked on a number of activities that formed part of the background materials for the scoping and chartering of this PDP.

**Implementation Review Team (2009)**

On 6 March 2009, the GNSO Intellectual Property Constituency formed the Implementation Review Team (IRT) in accordance with a 6 March, 2009 ICANN Board resolution. The objective of the IRT was to develop potential, practicable solutions for trademark protections as part of the implementation work for the 2012 New gTLD Program.

The IRT published its Final Report on 29 May 2009, including recommendations for several proposed solutions with respect to:[[23]](#footnote-23)

* An IP Clearinghouse, a Globally Protected Marks List and associated RPMs, and standardized pre-launch rights protection mechanisms such as Sunrise and an IP Claims service;
* A dispute resolution procedure modeled on the UDRP;
* PDDRPs;
* Whois requirements for new TLDs; and
* Use of algorithm in string confusion review during initial evaluation.

**Special Trademark Issues Review Team (2009)**

On 12 October 2009, the [ICANN Board sent a letter](https://gnso.icann.org/correspondence/beckstrom-to-gnso-council-12oct09-en.pdf) to the GNSO Council requesting its view on the trademark protection mechanisms that were being proposed for the New gTLD Program.[[24]](#footnote-24) In response, on 28 October 2009 the GNSO Council created the Special Trademarks Issues (STI) Review Team, which included representatives from each Stakeholder Group, the At-Large community, Nominating Committee Appointees, and the Governmental Advisory Committee (GAC). The STI was directed to analyze the staff implementation models of the TMCH and URS that were proposed for inclusion in the Draft Application Guidebook Version 3. On 11 December 2009, the STI Review Team delivered its Report to the GNSO Council describing an alternative proposal to address trademark concerns in the New gTLD Program that was supported by a consensus of its members.[[25]](#footnote-25)

On 17 December 2009, the GNSO Council approved the overall package of recommendations contained in the STI Report. The GNSO Council also directed ICANN staff to publish the STI recommendations for public comment. In March 2010, the ICANN Board passed a resolution directing ICANN staff to analyze the public comments and develop final versions of the TMCH and URS, to be included in version 4 of the Draft Applicant Guidebook.

**UDRP Issue Report (2011)**

The UDRP has been the subject of a previous GNSO Preliminary Issue Report, published in February 2011 prior to the delegation of the first gTLD under the New gTLD Program.[[26]](#footnote-26) Community feedback in response to this Issue Report was largely to the effect that the UDRP provides a “comparatively quick” and “effective” recourse for disputed second level domain name registrations in the globalized and trans-jurisdictional world of the DNS.[[27]](#footnote-27) The Final Issue Reportwas published in October 2011 and its primary conclusion was that a review of the UDRP should not be conducted until eighteen (18) months after the launch of the URS.[[28]](#footnote-28) A review could then be based on data derived from the use of the URS, since it is modeled on the UDRP.[[29]](#footnote-29)

**RPM Staff Paper (2015)**

In February 2015, ICANN staff published a draft Rights Protection Mechanisms Review report to solicit community feedback, with the aim of assessing their operational effectiveness to date and to identify topics and areas that can inform future policy work.[[30]](#footnote-30) In September 2015, ICANN staff published a revised Rights Protection Mechanism Report (RPM Staff Paper) following its review of community comments received.[[31]](#footnote-31) The community’s suggestions and questions were incorporated into the Final Issue Report for this PDP.

### Related Work After the Initiation of This PDP

Under its Charter, the Working Group is required, among other tasks, to take into consideration the work/outcome of the TMCH Independent Review, the CCT Review, and any other relevant GNSO policy development processes, including the EPDP on the Temporary Specification for gTLD Registration Data.

**Independent Review of the TMCH (2017)**

In 2016, based on a recommendation from the GAC, ICANN commissioned the Analysis Group to conduct an independent review of the TMCH.[[32]](#footnote-32) The firm examined whether domains that relate to, but do not exactly match, trademarks should be considered for use in the Claims period of a new gTLD’s lifecycle. The review also explored whether extending the number of days of the Claims service would be of value, as well as measured how frequently trademark holders use the Sunrise period, among other topics. The review identified some additional related topics that could be addressed as part of ICANN’s policy development work. As noted above, in 2017 the Working Group met with the Analysis Group and reviewed the report.

**Competition, Consumer Trust and Consumer Choice Review Team (2018)**

ICANN’s CCT-RT conducted a review of the new gTLD program, monitoring and assessing issues of competition, consumer protection, security, stability, malicious abuse, and rights protection for the new gTLDs. As part of its review, the CCT-RT examined the impact of new gTLDs on brand owners, specifically the cost and effort required to protect and police trademarks.[[33]](#footnote-33)

The CCT-RT ultimately directed the following recommendations, which are published in its Final Report on 8 September 218, to the RPM PDP Working Group:

Recommendation #9: “The ICANN community should consider whether the costs related to defensive registration for the small number of brands registering a large number of domains can be reduced.”

Recommendation #27: “Since the Review Team’s initial draft recommendation, the PDP Review of All RPMs in All gTLDs Working Group started reviewing the URS in detail and, at the time of writing, their review is ongoing. Given this ongoing review, the Review Team recommends that the Working Group continue its review of the URS and also looks into the interoperability of the URS with the UDRP. The review team encountered a lack of data for complete analysis. The PDP Review of All RPMs appears to also be encountering this issue and this may well prevent it from drawing firm conclusions. If modifications are not easily identified, then the CCT Review Team recommends continued monitoring until more data is collected and made available for review at a later date.”

Recommendation #28: “A cost-benefit analysis and review of the TMCH and its scope should be carried out to provide quantifiable information on the costs and benefits associated with the present state of the TMCH services, and thus to allow for an effective policy review. Since the review team’s initial draft recommendation, the PDP Review of All RPMs in All gTLDs Working Group has started reviewing the TMCH in detail and ICANN has appointed Analysis Group to develop and conduct the survey(s) to assess the use and effectiveness of the Sunrise and Trademark Claims RPMs. Provided that the PDP Working Group has sufficient data from this survey or other surveys and is able to draw firm conclusions, the review team does not consider that an additional review is necessary. However, the CCT Review Team reiterates its recommendation for a cost-benefit analysis to be carried out if such analysis can enable objective conclusions to be drawn. Such cost-benefit analysis should include, but not necessarily be limited to, looking at cost-benefits of the TMCH for brand owners, registries, and registrars now and going forward, as well as examine the interplay of the TMCH with premium pricing.”

In relation to CCT Recommendation #9, during its deliberations on the Sunrise and Trademark Claims RPMs, the Working Group agreed that matters of pricing are outside the scope of this PDP.

In relation to CCT Recommendation #27, the Working Group agrees that the lack of comprehensive data made it difficult to conduct the initial URS review. However, it was able to collect and analyze sufficient data -- through a combination of surveys, staff summaries of URS cases and metrics, and the URS case analysis of Professor Rebecca Tushnet (a Working Group member) -- to develop a series of final recommendations for the URS. The Working Group is likely to consider the question of interoperability between the URS and UDRP as part of its Phase 2 work.

In relation to CCT Recommendation #28, the Working Group relied largely on Analysis Group’s TMCH independent review, survey results, interactions with the TMCH Validation Service Provider, and information from a few Registry Operators for both quantitative and anecdotal data. It did not consider if necessary, nor did it have the resources, to conduct a full cost-benefit analysis of the TMCH. Nevertheless, the Working Group was able to develop a number of TMCH-related final recommendations (including recommendations related to the Sunrise and Trademark Claims services offered through the TMCH).

Although ICANN org was able to provide the Working Group with data relating to the RPMs and the Working Group also requested and received data relating to the TMCH from Deloitte as well as from the Analysis Group, the Working Group encountered challenges in obtaining sufficient quantitative data (as opposed to anecdotal reports) concerning the effectiveness of the RPMs. The Working Group supported the CCT recommendations seeking to address the challenges posed by the dearth of data; it also found that existing data was not necessarily available in uniform formats (e.g. the various formats used in URS Determinations).[[34]](#footnote-34) Therefore, the Working Group put forward an Overarching Data Collection Final Recommendation aiming at addressing this gap. Please refer to the “Phase 1 Final PDP Recommendations” sections of this Final Report for further details and the Working Group’s initial conclusions regarding these CCT recommendations.

**EPDP on Temporary Specification for gTLD Registration Data (2018-Present)**

On 17 May 2018, the ICANN Board approved the Temporary Specification for gTLD Registration Data to facilitate compliance by ICANN’s contracted parties with existing ICANN contractual requirements as well as the European Union’s General Data Protection Regulation (GDPR). The adoption of the Temporary Specification triggered the requirement for the GNSO to complete a consensus PDP within one year. On 19 July 2018, the GNSO Council initiated the EPDP on the Temporary Specification for gTLD Registration Data, to be conducted in two phases.

On 15 May 2019, the ICANN Board adopted most of the EPDP Phase 1 policy recommendations in its Final Report.[[35]](#footnote-35) The GNSO Council referred the following RPM-related recommendations to the Working Group in July 2019:

Recommendation #21: “The EPDP Team also recommends that the GNSO Council instructs the review of all RPMs PDP WG to consider, as part of its deliberations, whether there is a need to update existing requirements to clarify that a Complainant must only be required to insert the publicly-available RDDS data for the domain name(s) at issue in its initial Complaint. The EPDP Team also recommends the GNSO Council to instruct the RPMs PDP WG to consider whether upon receiving updated RDDS data (if any), the Complainant must be given the opportunity to file an amended Complaint containing the updated respondent information.”

Recommendation #23: “The EPDP Team recommends that, for the new policy on gTLD registration data, the following requirements MUST apply in relation to URS and UDRP until such time as these are superseded by recommendations from the RPMs PDP WG and/or policies from the EPDP regarding disclosure:

Uniform Rapid Suspension (supplemental requirements for the 17 October 2013 URS High Level Technical Requirements for Registries and Registrars and URS Rules effective 28 June 2013)

(1) Registry Operator Requirement: The Registry Operator (or appointed BERO) MUST provide the URS Provider with the full Registration Data for each of the specified domain names, upon the URS Provider notifying the Registry Operator (or appointed BERO) of the existence of a Complaint, or participate in another mechanism to provide the full Registration Data to the Provider as specified by ICANN. If the gTLD operates as a "thin" registry, the Registry Operator MUST provide the available Registration Data to the URS Provider.

(2) Registrar Requirement: If the domain name(s) subject to the Complaint reside on a "thin" registry, the Registrar MUST provide the full Registration Data to the URS Provider upon notification of a Complaint.

(3) URS Rules: Complainant's Complaint will not be deemed defective for failure to provide the name of the Respondent (Registered Name Holder) and all other relevant contact information required by Section 3 of the URS Rules if such contact information of the Respondent is not available in registration data publicly available in RDDS or not otherwise known to Complainant. In such an event, Complainant may file a Complaint against an unidentified Respondent and the Provider shall provide the Complainant with the relevant contact details of the Registered Name Holder after being presented with a Complaint against an unidentified Respondent.

Uniform Dispute Resolution Policy (supplemental requirements for the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules")

(1) Registrar Requirement: The Registrar MUST provide the UDRP Provider with the full Registration Data for each of the specified domain names, upon the UDRP Provider notifying the Registrar of the existence of a Complaint, or participate in another mechanism to provide the full Registration Data to the Provider as specified by ICANN. (2) Complainant's Complaint will not be deemed defective for failure to provide the name of the Respondent (Registered Name Holder) and all other relevant contact information required by Section 3 of the UDRP Rules if such contact information of the Respondent is not available in registration data publicly available in RDDS or not otherwise known to Complainant. In such an event, Complainant may file a Complaint against an unidentified Respondent and the Provider shall provide the Complainant with the] relevant contact details of the Registered Name Holder after being presented with a Complaint against an unidentified Respondent.”

Recommendation #27: “The EPDP Team recommends that as part of the implementation of these policy recommendations, updates are made to the following existing policies / procedures, and any others that may have been omitted, to ensure consistency with these policy recommendations as, for example, a number of these refer to administrative and/or technical contact which will no longer be required data elements:

* Registry Registration Data Directory Services Consistent Labeling and Display Policy
* Thick WHOIS Transition Policy for .COM, .NET, .JOBS
* Rules for Uniform Domain Name Dispute Resolution Policy
* WHOIS Data Reminder Policy
* Transfer Policy
* Uniform Rapid Suspension System (URS) Rules
* Transfer Dispute Resolution Policy

On 18 February 2020, ICANN org published the Wave 1 Report in accordance with the aforementioned Recommendation #27, which provides a detailed assessment of the impact from EPDP Phase 1 policy recommendations on existing ICANN policy and procedures.[[36]](#footnote-36) On 10 March 2020, the GNSO Council received a GNSO support staff’s proposal (entitled “Consideration of Possible Next Steps in Response to EPDP Rec #27 Wave 1 Report”) regarding how to address the items covered in the Wave 1 Report, including a suggested approach based on the assessment of scope and nature of the anticipated changes to existing policies and procedures, such as the URS.[[37]](#footnote-37) The GNSO Council agreed on the suggested next steps as described in the GNSO support staff’s proposal and requested the RPM Working Group to consider if and how the EPDP Phase 1 recommendations are addressed in the URS related recommendations.[[38]](#footnote-38)

On 18 August 2020, RPM Working Group support staff circulated a document that provides further clarification on the relevant sections in the Wave 1 Report as well as the suggested approach to finalize the Working Group’s URS recommendations to maintain consistency with EPDP Team’s Phase 1 recommendations.[[39]](#footnote-39) On 22, Julie Hedlund helped explained the Wave 1 EPDP table and its unusual formatting to the WG. One member raised concerns about the need to incorporate recent decisions of the WG in the EPDP discussion and analysis. On 27 August 2020, the Working Group very briefly referenced the Wave 1 Report without reviewing any particular sections. Later, concerns (largely requests for rewording) were raised by WG members after close review of Staff comments and proposed text in the WG report. Together the WG and Staff created the current discussion of the WG recommendations and EPDP recommendations which we think accurately reflects that the two have no conflicting language.

Furthermore, ICANN Org’s EPDP Phase 1 Wave 1 report noted the need to make various terminology updates to a number of ICANN policies and procedures regarding WHOIS.[[40]](#footnote-40) In August 2020, the GNSO Council tasked the EPDP Phase 1 IRT to prepare draft revisions for these updates.[[41]](#footnote-41)

The Working Group agrees that it is necessary to update terminology associated with “WHOIS” in the URS Procedure and Rules as a result of the EPDP on the Temporary Specification on gTLD Registration Data. Consequently, the Working Group agrees that, to ensure uniformity and consistency across all ICANN’s policies and procedures relating to WHOIS, the task of making the necessary terminology updates be undertaken by the EPDP Phase 1 IRT, which has already been charged by the GNSO Council to perform this work for all affected ICANN policies.

The Working Group clarifies that its agreement on any terminology updates made to the URS as a result of the EPDP Phase 1 work does not preclude any subsequent or further terminology updates that may be required as a result of additional policy work, including during Phase 2 of this PDP that will review the UDRP.

Please refer to the “URS Final Recommendations” sub section of the “Phase 1 Final PDP Recommendations” section of this Final Report for further details and the Working Group’s conclusions regarding these EPDP recommendations.

1. For a complete background overview on the development of the UDRP, see UDRP Report, pp.7-9: <https://www.icann.org/resources/pages/prelim-report-udrp-2011-05-27-en> [↑](#footnote-ref-1)
2. The responses to the UDRP Questionnaire that was distributed to the UDRP service providers as part of feedback to the UDRP Report indicate that, to the providers’ knowledge, very few UDRP decisions are appealed to a court (e.g. one case, or 0.1% from the Asian Domain Name Dispute Resolution Centre, “fewer than five” per year from the NAF, and none from the Czech Arbitration Court). It should be noted, however, that providers may not receive notice of all appeals or challenges in court: see UDRP Report, p. 14 footnote 23. [↑](#footnote-ref-2)
3. For a complete background overview on the development of these rights protection mechanisms, see the RPM Staff Paper, pp.15-19: <https://www.icann.org/publiccomments/rpm-review-2015-02-02-en>. [↑](#footnote-ref-3)
4. Download the report here: <https://gnso.icann.org/sites/default/files/filefield_27051/udrp-final-issue-report-03oct11-en.pdf> [↑](#footnote-ref-4)
5. See the GNSO Council resolution related to the request here: <https://gnso.icann.org/en/council/resolutions#201112> [↑](#footnote-ref-5)
6. Download the report here: <https://gnso.icann.org/sites/default/files/filefield_48411/rpm-final-issue-11jan16-en.pdf> [↑](#footnote-ref-6)
7. See generally the RPM Staff Paper, Section 3. For the actual TMCH guidelines see <http://trademarkclearinghouse.com/sites/default/files/files/downloads/TMCH%20guidelines%20v1.2_0.pdf>. [↑](#footnote-ref-7)
8. In February 2015, ICANN staff published a draft Rights Protection Mechanisms Review report to solicit community feedback. This report was not a comprehensive review; rather, it was based primarily on community feedback and a small set of sources, including specific topic studies, obligatory reports from Contracted Parties or contractors hired for specific projects, and community comments. See additional details in the “Related Work by the GNSO, the ICANN Community, and the ICANN org” sub section in the “Background” section of the Final Report. [↑](#footnote-ref-8)
9. RPM Staff Paper, p.54. [↑](#footnote-ref-9)
10. RPM Staff Paper, p.75. [↑](#footnote-ref-10)
11. The UDRP was created in 1999 to resolve disputes concerning disputes over entitlement to domain names registered at the second level of the DNS. It is an ICANN Consensus Policy that is applicable to all gTLDs, including those launching under the New gTLD Program. The universal and uniform operation of the UDRP is based on two documents: 1) the Policy that sets out its scope, relief, and basis for mandatory administrative proceedings that may be brought within its ambit; and 2) the Rules that set out the procedural requirements that must be followed in such a proceeding. For additional details, see the RPM PDP Final Issue Report, p11: <https://gnso.icann.org/sites/default/files/filefield_48411/rpm-final-issue-11jan16-en.pdf> [↑](#footnote-ref-11)
12. For a side-by-side comparison of the URS and the UDRP, see RPM Staff Paper, p.92-99. [↑](#footnote-ref-12)
13. Currently there are three URS Providers: ADNDRC, FORUM, and MFSD. [↑](#footnote-ref-13)
14. See, generally, RPM Staff Paper, pp.90 et seq. For more details, see the URS provisions: <http://newgtlds.icann.org/en/applicants/urs> [↑](#footnote-ref-14)
15. RPM Staff Paper, p.111-112. [↑](#footnote-ref-15)
16. For example, see: <http://www.donuts.co/dpml/dpml-overview/> [↑](#footnote-ref-16)
17. <https://adultblock.icmregistry.com/> [↑](#footnote-ref-17)
18. See the approved GNSO Council motion initiating the PDP here: <https://gnso.icann.org/en/council/resolutions#201602> [↑](#footnote-ref-18)
19. See the approved GNSO Council motion chartering the PDP Working Group here: <https://gnso.icann.org/en/council/resolutions#201603> [↑](#footnote-ref-19)
20. J. Scott Evans resigned as Co-Chair effective 02 March 2018. [↑](#footnote-ref-20)
21. This question is related to one of the three (3) general overarching Charter questions -- “General Overarching Charter Question #1: Do the RPMs collectively fulfil the objectives for their creation, namely “to provide trademark holders with either preventative or curative protections against cybersquatting and other abusive uses of their legally-recognized trademarks? In other words, have all the RPMs, in the aggregate, been sufficient to meet their objectives or do new or additional mechanisms, or changes to existing RPMs, need to be developed?” The Working Group’s Charter includes several general, overarching questions as well as a number of additional questions that the Working Group is expected to address at the conclusion of Phase 1 or Phase 2 of its work, as appropriate. During the public comment proceeding for the Initial Report, the Working Group also invited input for these overarching Charter questions, which helped inform its overall work toward the Final Report. [↑](#footnote-ref-21)
22. See Rows #31-32 related to the GPML comments in the public comment review tool here: <https://docs.google.com/spreadsheets/d/1wke2krmhV2tNPNhvIOskAlLVraWp-88mqzScCtj01fw/edit#gid=1227219396> [↑](#footnote-ref-22)
23. See the IRT Final Report here: <https://archive.icann.org/en/topics/new-gtlds/irt-final-report-trademark-protection-29may09-en.pdf> [↑](#footnote-ref-23)
24. See the ICANN Board letter here: <https://gnso.icann.org/sites/default/files/filefield_7272/beckstrom-to-gnso-council-12oct09-en.pdf> [↑](#footnote-ref-24)
25. See STI’s Report here: <https://gnso.icann.org/issues/sti/sti-wt-recommendations-11dec09-en.pdf> [↑](#footnote-ref-25)
26. See the Preliminary Issue Report here: <https://www.icann.org/resources/pages/prelim-report-udrp-2011-05-27-en>. [↑](#footnote-ref-26)
27. See the Final Issue Report on the Current State of the UDRP (October 2011), Section 5. [↑](#footnote-ref-27)
28. <https://gnso.icann.org/sites/default/files/filefield_27051/udrp-final-issue-report-03oct11-en.pdf> [↑](#footnote-ref-28)
29. See the Final Issue Report on the Current State of the UDRP, p.31. [↑](#footnote-ref-29)
30. The initial staff paper, public comments, and revised staff paper can be viewed here: <https://newgtlds.icann.org/en/reviews/cct/rpm>. [↑](#footnote-ref-30)
31. See <https://www.icann.org/news/announcement-2015-09-11-en>. [↑](#footnote-ref-31)
32. See the GAC recommendations on page 5-8: <https://archive.icann.org/en/topics/new-gtlds/gac-comments-new-gtlds-26may11-en.pdf>. The revised report of the independent review is available for download via: <https://newgtlds.icann.org/en/reviews/tmch/revised-services-review-22feb17-en.pdf> [↑](#footnote-ref-32)
33. The CCT-RT Final Report can be found via: <https://www.icann.org/en/system/files/files/cct-final-08sep18-en.pdf>. The sections related to Trademark / RPMs are from pp.10-12, 15, 22-24, 72, 125-140. [↑](#footnote-ref-33)
34. The formatting issue related to URS decisions was also covered in an individually-submitted proposal that did not rise to the level of becoming a Working Group preliminary recommendation, but was published in the Initial Report for public comment. See URS Individual Proposal #29 on pp.66-67: <https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-initial-18mar20-en.pdf> [↑](#footnote-ref-34)
35. See the EPDP Phase 1 Final Report here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf> [↑](#footnote-ref-35)
36. See the Wave 1 Report here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-phase-1-recommendation-27-18feb20-en.pdf> [↑](#footnote-ref-36)
37. See the GNSO support staff proposal here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/next-steps-epdp-phase-1-wave-1-rec-27-10mar20-en.pdf> [↑](#footnote-ref-37)
38. See consent agenda item 3 here: <https://community.icann.org/x/OQZ1C> [↑](#footnote-ref-38)
39. See RPM Working Group support staff’s document here: <https://mm.icann.org/pipermail/gnso-rpm-wg/attachments/20200818/6585de4b/Wave1Rec27-PossiblenextstepsforURS-RPMPDP-0001.pdf> [↑](#footnote-ref-39)
40. For more information about the EPDP Phase 1 Wave 1 report, please see the “Background” section of this Final Report. [↑](#footnote-ref-40)
41. See the GNSO Council consent agenda 3.2 in the 20 August 2020 meeting here: <https://gnso.icann.org/en/council/resolutions/2020#202008> [↑](#footnote-ref-41)