Registries Stakeholder Group Statement

Public Comment[*]: **GNSO Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process Phase 1 Final Recommendations for ICANN Board Consideration**

Date statement submitted: **20 May 2021**

Reference url: https://www.icann.org/public-comments/gnso-rpm-pdp-phase-1-final-recommendations-2021-04-07-en .

<u>Background</u>[1]

This Public Comment proceeding seeks to obtain community input prior to the Board action on the Phase 1 final recommendations of the GNSO Review of All Rights Protection Mechanisms (RPMs) in All gTLDs Policy Development Process (PDP). (Direct link: Phase 1 Final Report (.pdf))

Related RySG comments:

- Joint RySG / RrSG comment on the Phase 1 Initial Report of the Review of All Rights Protection Mechanisms in All gTLDs PDP (4 May 2020)

Registries Stakeholder Group comment[*]

The Registries Stakeholder Group (RySG) welcomes the opportunity to comment on the GNSO Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process Phase 1 Final Recommendations for ICANN Board Consideration. We would like to extend our appreciation to the PDP WG and its Leadership for their time and dedication.

On the whole, the RySG supports the ICANN Board adopting the recommendations in the Final Report as written.

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[*] *Registries Stakeholder Group (RySG) Comment - In the interest of time, we did not conduct a vote on these comments. We did discuss them on our mailing list and during a biweekly conference call, and no member opposed their submission.*
[1] *Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.*

For a few exceptions, the RySG would like to share concerns for the Board to consider when discussing the respective recommendations:

<u>URS Final Recommendation #8</u>

We believe that compliance steps should be limited to the extent permitted by applicable law/regulation. ICANN Org has a robust compliance department and established practices for enforcing registry and registrar compliance with policies.

<u>Sunrise Final Recommendation #1</u>

The RySG supports the recommendation in principle, noting that implementing RPMs is required through Specification 7 of the base Registry Agreement. This means that ICANN Compliance has a role in ensuring that RPMs are not circumvented and that the use of Sunrise is not restricted. However, the phrasing "as to have the effect of circumventing RPMs" and "restricting (…) reasonable use of the sunrise RPM" is too vague to be implemented. We believe that the language must more precisely set forth what conduct may be curbed. To that end, a non-exhaustive list of conduct that clearly demonstrates such prohibited conduct, drafted in a tight enough manner as to make such conduct reasonably certain, might be considered.

The RySG thanks the RPM PDP WG group for its diligent work and contribution to the work of the ICANN community.

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