

Revised Proposal for the Uniform Domain-Name Dispute-Resolution Policy (UDRP) Status Report

Presentation to GNSO Council



27 October 2021

Agenda

- 1. Overview of GNSO Council Comments**
- 2. Scope of Policy Status Report**
- 3. Policy Status Report: Public Comment & Next Steps**
- 4. UDRP Data for Status Report**
- 5. Proposed Project Timeline**

Overview of GNSO Comments

- On **23 September 2021**, ICANN org presented to the GNSO Council a proposal for the Policy Status Report (PSR) framework on the Uniform Domain-Name Dispute-Resolution Policy (UDRP).
- On **7 October 2021**, GNSO Councilors provided comments to ICANN org on the proposed framework of the UDRP PSR.
- ICANN org appreciates the time spent by the GNSO Councilors to provide their input and will update the PSR to include relevant information. Some of the comments received include:
 - Framework of PSR appears to be missing counterbalancing proposals from the community for improvements to the UDRP.
 - We need to be careful not to suggest it's about broader DNS abuse (broad), it's abusive registrations (narrow).
 - Important to include knowledge about the UDRP, where it came from and how it works.
 - Regarding the .CL project, it's unclear what the relevance of education for registrants is in the context of addressing abuse and why this limited to considering a single project.

Policy Status Report: Scope

- **Support/review of policies and status report is anchored in the Consensus Policy Implementation Framework:** *“After there has been adequate time to generate data and metrics to evaluate implemented policy recommendations, GDS, Compliance and GNSO Policy Staff should provide a Policy Status Report (PSR) to the GNSO Council with sufficient data and metrics to assess the impact of the policy.”*
- **As such, the purpose of the PSR is to provide an overview of the policy and to support assessment of a policy’s effectiveness.** The PSR provides relevant data points to help build the structure of an Issue Report and PDP Charter, if undertaken, whereas the Issue Report describes the issue and recommends whether or not the GNSO should start a PDP.
- To assist with the assessment of a policy, the PSR includes:
 - Brief history of the policy
 - Background on a policy’s processes and procedures
 - Readily available and general data related to the policy
 - An overview of key substantive/procedural issues, as well as changes and trends that have been observed
 - Any other data/information that may help inform community deliberations

Policy Status Report: Public Comment & Next Steps

- Per the CPIF, the draft PSR is published for public comment with the request for the community to identify any issues that have been encountered with the policy and/or its implementation, as well as any data that may need to be collected to help inform next steps in the review.
- The revised PSR represents the version submitted to the GNSO Council. It may serve as a basis for further review activities or, at the discretion of the GNSO Council, it may provide sufficient information as a standalone report for assessment of a policy.
- The PSR and report of public comments are provided to the GNSO Council to determine next steps. These next steps could include further data gathering, initiation of a Policy Development Process, a combination of these, or other steps.

UDRP Policy Status Report: Overview

- The UDRP Policy Status Report is intended to provide an overview of the available data related to the UDRP and to support the GNSO's assessment of the effectiveness of the UDRP in meeting its intended purpose.
- The UDRP Status Report is organized to help assess the effectiveness of the UDRP in terms of its overarching goals:
 - **i) Efficiency:** Does the UDRP provide trademark holders with a quick and cost-effective mechanism for resolving domain name disputes?
 - **ii) Fairness:** Does the UDRP operate in a fair and consistent manner for all stakeholders while also retaining sufficient flexibility to address evolving Internet and domain name practices?
 - **iii) Addressing abuse:** Has the UDRP effectively addressed abusive registrations of domain names?
- *Note that the PSR does not draw conclusions about the effectiveness of the UDRP. Rather, it presents relevant data, issues raised, differing viewpoints and examples concerning each UDRP goal.*

UDRP Policy Status Report: Dataset

- To help assess the effectiveness of the UDRP in terms of its overarching goals the PSR includes data for the 2013-2020 time period on:
 - **Number of UDRP complaints filed and decisions rendered** (*source: UDRP Provider websites*)
 - Collected data on UDRP cases also includes complaint/respondent name, disputed domains, commenced/decision date, and result (e.g., denied, cancelled, transferred)
 - **Administrative/panelist fees** under the UDRP (*source: UDRP Provider websites*)
 - **UDRP case length** (*source: [National Arbitration Forum](#) website*)
 - **Number of RDNH filings** (*source: [DNDisputes.com](#); note that this data is only available for WIPO*)
 - **UDRP-related complaints** to ICANN (*sources: [Contractual Compliance](#), GSC*)

* Note that the data presented in the PSR represents the most readily available proxy measures for assessing the effectiveness of the UDRP in terms of the UDRP goals.

Estimated Timeline

#	Action	Date(s)
1	GNSO Council ICANN72 meeting	27 Oct 2021
2	Begin Data Collection and Report Drafting	Week 1-5
3	Finalize Initial Report	Week 6-7
4	Publish Initial Report for Public Comment	Week 8
5	Public Comment Period	Week 9-15
6	Complete Public Comments Report	Week 16-18
7	Revise and Finalize Report and Submit to GNSO Council	Week 18-22