[Date]

Dear GNSO Stakeholder Group/Constituency Chair:

We write as the Co-Chairs of the GNSO’s IGO-INGO Curative Rights Protection Mechanisms Working Group, which as you know was chartered by the GNSO Council to conduct a Policy Development Process to determine: (1) whether the Uniform Dispute Resolution Policy (UDRP) and/or the Uniform Rapid Suspension procedure (URS) should be amended, and if so, how; or (2) whether a separate, narrowly tailored dispute resolution procedure modeled on the UDRP and/or URS should be developed, in either case to address the specific needs and concerns of International Governmental Organizations (IGOs) and/or International Non-Governmental Organizations (INGOs).

The GNSO’s PDP Manual mandates that each PDP WG reach out at an early stage to all GNSO Stakeholder Groups and Constituencies, to seek their input. We are therefore writing to ask that your group consider assisting the WG with its work, in respect of the following questions that stem from our Charter and the initial deliberations of the WG.

First, we wish to inform you that the WG has reached a majority decision that there is no principled reason to consider INGOs as a special category of protected organization, for purposes of the specific tasks for which it was chartered in this PDP. ***What is the view of your Stakeholder Group/Constituency on excluding INGOs from further consideration in this PDP?***

Secondly, the WG has considered most of the background information available to it, including the documentation from the 2001-2 WIPO Process-2 and the previous scoping work done by the ICANN community (including the GNSO) in 2004 and 2007. It has also reviewed the various pieces of GAC advice concerning the issue of curative rights protection for IGOs, as expressed in several GAC Communiques. At this point, the WG would appreciate input from your Stakeholder Group/Constituency on the following questions that it will need to answer in the course of this PDP:

One of the requirements under the UDRP and URS is that the complainant must possess trademark or substantively similar rights in the word(s) for which the respondent has registered an identical or confusingly similar domain name (this is sometimes commonly called the “standing” requirement). ***What would be the basis (if any) – other than trademark rights – for the “standing” criteria in any dispute resolution process for IGOs (whether in the form of amendments to the UDRP and/or URS or as a specific, narrowly tailored procedure based on them)?***

A specific problem facing IGOs is the requirement, under the UDRP and URS, to agree to submit to the jurisdiction of a national court for purposes of an appeal. This may prejudice the status of an IGO as enjoying sovereign immunity. ***How should a curative rights process appropriately deal with this problem while also ensuring proper due process protections for registrants?***

The GAC has advised that any dispute resolution process relating to IGOs should be at no or nominal cost to the IGOs. ***What is your Stakeholder Group/Constituency view on this issue, and what in your view would constitute a nominal cost?***

In addition to the above questions, the WG Charter requires the WG to discuss a number of other issues, which can be found here: <http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf>. We would welcome your Stakeholder Group/Constituency feedback on any or all of these Charter questions. In particular, we would welcome input on the following topics:

* Whether the URS should be Consensus Policy;
* Considerations of applying policies formulated by this WG to both “legacy” and the New gTLDs currently being delegated in this expansion round;
* Whether the UDRP or the URS, or both, should be amended to address the particular needs and concerns of IGOs; and, if so, how;
* If the UDRP and/or URS are not to be amended, whether a specific, narrowly tailored dispute resolution procedure designed to address the particular needs and concerns of IGOs should be developed.

Thank you for your and your Stakeholder Group/Constituency’s consideration of these questions. We look forward to any comments and input you and the group are able to provide to our WG. If possible, please forward your comments and input to us by **Friday 2 January 2015**.

Best regards,

Philip Corwin & Petter Rindforth (WG Co-Chairs)