**SOME BACKGROUND FOR THE SCI ON THE IGO-INGO PDP WORKING GROUP**

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**I. WG Creation, Timelines & Community Outreach**

* In ***October 2012*** the GNSO Council approved an [expedited PDP](http://gnso.icann.org/en/council/resolutions#201210) on possible top and second level protections for IGOs and INGOs (including RCRC and IOC) in all gTLDs (incumbent and new), per the recommendations in the Final Issue Report. The IGO-INGO PDP WG completed its work and presented over 20 consensus recommendations to the GNSO Council for a [Council vote](http://gnso.icann.org/en/council/resolutions#201311) in ***November 2013***.
* WG met weekly for 2 hours; it held 43 meetings in total and exchanged over 1100 emails on its [mailing list](http://forum.icann.org/lists/gnso-igo-ingo/).
* Input was sought from other SO/ACs and GNSO SG/Cs several times, including through mandatory early SO/AC outreach per the GNSO PDP Manual. Other outreach conducted included:

|  |  |  |
| --- | --- | --- |
| **Type of Input/Session** | **Dates Opened / Meeting Date** |  |
| Public Comment Forum for WG Initial Report | 14 June 2013 (closed 7 August 2013) | 9 comments [received](http://www.icann.org/en/news/public-comment/report-comments-igo-ingo-initial-03sep13-en.pdf) |
| Public WG meeting at the ICANN Meeting in Durban | 15 July 2013 | [Meeting Transcript](http://durban47.icann.org/meetings/durban2013/transcript-igo-ingo-15jul13-en.pdf) |
| Public session at the ICANN meeting in Durban | 17 July 2013 | [Session Presentation](http://durban47.icann.org/meetings/durban2013/presentation-igo-ingo-policy-17jul13-en.pdf) |
| Public Comment Forum for WG’s Draft Final Report | 20 September 2013 (closed 1 November 2013) | 18 comments [received](http://www.icann.org/en/news/public-comment/report-comments-igo-ingo-final-13jan14-en.pdf) |
| Final Report Recommendations approved by GNSO Council prior to Board consideration | 27 November 2013 (closed 8 January 2014) | 40 comments [received](http://www.icann.org/en/news/public-comment/report-comments-igo-ingo-recommendations-24jan14-en.pdf) |

* WG employed a number of spreadsheets and tools to collect, review and incorporate community feedback, e.g.:
* Protections Matrix Tool: <https://community.icann.org/x/qo5wAg>
* Public Comment Review Tool: <https://community.icann.org/x/tRmfAg>
* WG also requested research from ICANN General Counsel and registration/cybersquatting statistics from IGOs and INGOs.
* Formal Consensus Call on final recommendations initiated by WG Chair on ***21 August 2013***: <http://forum.icann.org/lists/gnso-igo-ingo/msg00869.html>. Responses to the Consensus Call were received from RySG; BC; IPC; ISPC; NCSG; ALAC; and from IGO, INGO, RCRC and IOC representatives and other individuals.
* Responses were reviewed during four separate WG calls and on the mailing list prior to publication of the WG’s Draft Final Report for public comment on ***20 September 2013***.

**II. WG Deliberations in Context: GAC Advice & NGPC Actions**

* Between June 2011 and November 2012 the Board’s New gTLD Program Committee (NGPC) passed 4 resolutions relating to temporary protections of RCRC, IOC and IGO names and acronyms, pending the outcome of GNSO policy work and GAC advice.
* Between May 2011 and November 2013 the Government Advisory Committee (GAC) issued 13 letters, Communiques and other advice relating to protections for RCRC, IOC and IGO identifiers in the New gTLD Program.

**III. Origin of the GNSO Council Request to the Standing Committee for Improvements (SCI)**

* Originated in the WG’s notation in its [Final Report](http://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf) as follows:

*This WG experienced a possible limitation in the currently defined Consensus Levels when assigning “Divergence” to recommendations regarding acronym protections.... The use of “Divergence” did not adequately represent the lack of support for the proposed recommendation when said recommendation was stated in the affirmative, for example “Do you support...?”. The Chair was equally concerned [that] not adhering to current Working Group Guidelines could introduce risk to the process, because “Consensus Against” is not formally defined. Note this recommendation for an SCI review was not part of the formal consensus call within the WG, but full support was determined via WG conference calls.*

* The recommendations that gave rise to this problem concerned protections for acronyms. While there was Consensus Against that particular proposal, there was no consensus about whether there could be other forms of protection for acronyms other than those laid out in the recommendations.
* Due to the number and complexity of the recommendations that were sent out for the Consensus Call, each recommendation was phrased to derive a Yes/No answer from each SG/C. It would therefore have been difficult to (1) foresee which recommendation might result in a Consensus Against (since this would not be clear until all responses are received), and (2) rephrase particular recommendations in a less affirmative/negative way.
* Due to the sensitivities surrounding this particular PDP, the WG agreed that it could not rephrase a recommendation after a Consensus Call had been issued and responses received. It therefore had to determine whether to adopt the recognized term “Divergence” or use the unspecified phrase “Consensus Against”.

**IV. Options for the SCI to Consider**

The SCI could consider the following potential actions:

* Add a new Consensus Level defining “Consensus Against” to the [GNSO WG Guidelines](http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-08apr11-en.pdf)
* Without adding a new Consensus Level, clarify that the existing definition/description of “Consensus” includes situations appropriately determined to be “Consensus Against”
* In either case, determine if the current “Divergence” level needs to be amended, e.g.:
* *Does “Divergence” always equate to “No Consensus”?*
* *Does “Divergence” always mean there is a plurality of views?*
* *Does the current definition/description of “Divergence” require clarification or amendment?*
* Determine that the current Consensus Levels are adequate to cover even the situation experienced by the IGO-INGO PDP WG.

**V. Links to Relevant WG Transcripts & Recordings**

Meeting of 11 September 2013:

[Transcript](http://gnso.icann.org/en/meetings/transcript-igo-ingo-11sep13-en.pdf)

[MP3 recording](http://audio.icann.org/gnso/gnso-igo-ingo-20130911-en.mp3)

Meeting of 18 September 2013:

[Transcript](http://gnso.icann.org/en/meetings/transcript-igo-ingo-18sep13-en.pdf)

[MP3 recording](http://audio.icann.org/gnso/gnso-igo-ingo-20130918-en.mp3)

WG Wiki with all meeting agendas, working drafts, community input and other background documents:

<https://community.icann.org/x/2YJEAg>