RrSG Comment on the GNSO Report on IGO/INGO Curative Rights

We support the recommendations set forth in the Generic Names Supporting Organization (GNSO) Initial Report on the IGO-INGO Access to Curative Rights Protection Mechanisms (RPMs) Policy Development Process (PDP) ("Proposal").

The Proposal describes reasonable adjustments to the Uniform Domain-Name Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS) that will address gaps in the ability for International Governmental Organizations (IGOs) to access these curative RPMs to protect their names, and maintains the ability for International Non-Governmental Organizations (INGOs) to use the mechanisms in their current form. The Proposal wisely avoids the creation of additional process and bureaucracy where none are needed. We believe that this tailored approach is preferable to the creation of wholly new mechanisms, given that the same basic substantive grounds for the URS and UDRP should apply regardless of the complainant, as established by Recommendation 3.

We are somewhat concerned by the possibility that, per Recommendation 5, dispute resolution costs might be borne unequally by parties to a dispute, but note that the working group recommendations are not sufficiently conclusive to permit full comment. We would advise ICANN to seriously consider the potential negative implications of an imbalanced fee scheme for the URS and UDRP in assessing the feasibility of subsidizing IGO or INGO access to these mechanisms.

As noted in the comments by the Business Constituency the thoughtful analysis by the working group and ability to reach consensus on a practical set of recommendations are a testament to the effectiveness of the multi-stakeholder model and the GNSO PDP. We similarly share the BC"s concerns regarding the efforts by ICANN staff to circumvent the PDP through the development of the "small group" proposal in a non-transparent manner. Further engagement on the matter of IGO/INGO curative protections should continue to occur in an open manner, within the PDP working group.