



The Intellectual Property Constituency (“IPC”) of the Generic Names Supporting Organization (“GNSO”) welcomes the opportunity to comment on the Preliminary Issue Report on Amending the Uniform Dispute Resolution Policy (“UDRP”) and the Uniform Rapid Suspension Procedure (“URS”) for Access by Protected International Governmental Organizations (“IGOs”) and International Non-Governmental Organizations (“INGOs”) (the “Report”).

As noted in the Report,<sup>1</sup> the IPC is of the opinion that there are “several distinct reasons for creating a separate, UDRP-like dispute resolution mechanism for IGOs rather than modifying the current UDRP to take into account the specific characteristics and limitations faced by IGOs in attempting to utilize the UDRP.”

The IPC view is that the following items warrant further consideration in any PDP on this subject:

1. The PDP should explore whether access to curative rights protection mechanisms should be limited only to those IGOs and INGOs referred to in the GNSO Final Report on Protection of IGO and INGO Identifiers in all gTLDs, or should apply to all IGOs and INGOs, as defined by some other criteria.

The IPC believes that any new policies should apply only to those IGOs and INGOs included in the Final Report on Protection of IGO and INGO Identifiers in All gTLDs. This limitation would ensure that only appropriately qualified entities could rely on amended or new curative rights protection mechanism (“RPM”) policies.

2. If the PDP first determines that special treatment is necessary to enable access to these RPMs, the PDP should result in a “new” policy or policies, applicable only to IGOs and/or INGOs.

The “new” policy or policies would be modified versions of the existing UDRP and URS, minimally adjusted and narrowly tailored to accommodate use by IGOs and/or INGOs, to account for the special circumstances of those categories of organizations.

3. The PDP should be narrowly-focused on considering and, if appropriate, drafting such a new policy or policies addressing the concerns of IGOs and INGOs, and not include in its scope other potentially-distracting issues such as addressing a

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<sup>1</sup> Report, p. 19.

potential new policy for geographic TLDs or revisiting the UDRP generally, which may be the purview of other potential or planned ICANN processes.

A narrow scope for this PDP will speed the process of considering and, if determined to be appropriate, drafting new policy or policies specific to IGOs and/or INGOs; speed in this context is important given the old maxim that “justice delayed is justice denied.”

Respectfully submitted,

Intellectual Property Constituency (IPC)