

Registries Stakeholder Group Statement

Issue: Preliminary Issue Report on a GNSO Policy Development Process to Review All Rights Protection Mechanisms in All gTLDs

Date statement submitted: November 29, 2015

Reference URL: <https://www.icann.org/public-comments/rpm-prelim-issue-2015-10-09-en>

Thank you for the opportunity to comment on the "Preliminary Issue Report on a Policy Development Process to Review All Rights Protection Mechanisms in All Generic Top- Level Domains." We have reviewed the Preliminary Issue Report and the supporting documentation and have the following advice and recommendations on whether and how the Council should create a new RPM PDP:

(1) We note at the outset that the GNSO Council will soon consider possible policy changes for subsequent rounds of new gTLD applications. Some of the issues covered in any RPM PDP may overlap with issues identified in the Subsequent Rounds Issue Report and PDP.

We believe that if an RPM PDP is created, the RPM issues identified in the Subsequent Rounds Issue Report should be carved out of the Subsequent Rounds PDP, to prevent a duplication of effort and avoid inconsistent recommendations. The Council should take efforts when scoping the PDPs for RPMs and Subsequent Rounds to avoid overlapping mandates.

(2) The Preliminary Issue Report asks for specific feedback on whether all existing RPMs, including the UDRP, should be placed into a single PDP or separated out into phases (Issue Report, at 6-8). We recommend that the new RPMs put in place for the new gTLDs be evaluated separately from the UDRP.

First, a PDP evaluation of the new RPMs may be helpful for the Subsequent Rounds PDP work and inform how subsequent rounds are launched, as well as "could also result in clear and consistent policy frameworks for all RPMs in all gTLDs." (See Report Section 4.1.5); a timely examination of the new RPMs is more likely if they are unbundled from the UDRP.

Second, the UDRP is a mature process that has been used by tens of thousands of companies and around which a small industry of dispute providers and legal representatives has been built. We expect that any PDP that involves a reexamination of the UDRP will receive substantial scrutiny and extraordinary participation from impacted parties. We do not want the new RPMs discussion to become tied down by the UDRP discussion, and we think that the UDRP will receive better and more focused attention as a stand-alone PDP. As a consequence, we support staff's "two-pronged approach" described as "Option Three" in the Preliminary Issue Report.

Best regards.