

4 - Working Group

Title: EPDP: Specific Curative Rights Protections for Intergovernmental Organizations (EPDP_SCRP_IGO)

Description & Scope:

The GNSO Council initiated this work to consider “whether an appropriate policy solution can be developed that is generally consistent with the first four recommendations from the GNSO’s IGO-INGO Access to Curative Rights PDP and:

1. accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;
2. does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;
3. preserves registrants' rights to judicial review of an initial [Uniform Domain Name Dispute Resolution Policy or Uniform Rapid Suspension decision; and
4. recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction.”



The GNSO Council originally created a Work Track within the RPMs PDP WG, based on the Council referral of recommendation 5 from the IGO-INGO Curative Rights Protection Mechanisms PDP WG Final Report. The Addendum to the RPMs PDP Charter was adopted by the GNSO Council in January of 2020. On 19 August 2021, the GNSO Council initiated the Expedited Policy Development Process (EPDP) on Specific Curative Rights Protections for IGOs to enable the policy development of the IGO Work Track to continue without delay, considering the step to be an entirely procedural action and having no impact on the scope of work.

Composition:

Chair(s):	Chris Dispain
Council Liaison:	John McElwaine
Staff:	M. Wong, S. Chan, B. Cobb
# Participants:	19 Participants (link)
# Observers:	5
Tools:	Mailing List / Meeting Schedule / Wiki
Charter:	Charter

Project Management:

Token Holder	Planned Start Date	Actual Start Date	# of Days	Planned End Date	Actual End Date
WG	31 Oct 2019	17 Dec 2020	665	14 Feb 2022	TBD

Program	Progress	Status	Health
IGO	78%	 1	

STATUS: ■ Planned ● On-schedule ● Revised schedule ▲ Behind schedule ◆ Target will be missed ■ On-hold

HEALTH: ■ On-Target ■ At-Risk ■ In-Trouble

Milestones/Work plan ([link](#)):

Milestone/Task	Date	
Work Track Charter Addendum Adopted	Jan-20	✓
EPDP Charter Adopted	Aug-21	✓
Project Start	Dec-20	✓
1st Meeting	Feb-21	✓
Project Plan and Work plan	Apr-21	✓
Issue Deliberations	Dec-21	■
Assemble initial conclusions	Jul-21	✓
Consolidate interim recommendations and findings	Jul-21	✓
Build Draft Report for public comment	Aug-21	✓
Issue report for public comment	Sep-21	✓
Review public comment input	Nov-21	■
Determine consensus levels on recommendations	Dec-21	■
Finalize Report	Dec-21	■
Adopt final recommendations and report	Dec-21	■
Send final report to GNSO Council	Dec-21	■
GNSO Council adoption of consensus recs.	Feb-21	
Issue public comment for Board consideration	Mar-22	
ICANN Board adoption of consensus recs.	Jun-22	
Prior period % Complete	75%	■

Status/Health Rationale:

- This project maintains a Status of “Revised-Schedule” and Health of “On-Target”.

Current Activities:

- Review of [public comment](#) responses to Initial Report.

Planned Activities:

- Prepare the Final Report for delivery to the GNSO Council.
- Determine levels of consensus on recommendations.

Open Issues, Risks & Mitigation Plan:

- Public Comments and further discussions between EPDP leadership and the GNSO Council may indicate a need to determine whether the EPDP charter is too restrictive to develop a solution that is mutually agreeable to all affected parties. The EPDP team largely considers its current preliminary recommendations the as “generally consistent” with recommendations #1-4 from the original curative rights PDP.
- The EPDP team has yet to comprehensively review potential arbitral frameworks from leading providers, though Public Comments may show this is not necessary at the policy development phase. Such a review may require additional legal advice about the feasibility and implications of including a specific arbitration option, which will necessitate a request to the Council.
- The Initial Report was published for public comment later than committed which may challenge delivery of the Final Report in December. The EPDP team may need to consider accelerating the pace and cadence of its upcoming meetings to absorb the delay.

Completed in prior period(s):

- Launched [public comment](#) for the Initial Report on 14 Sep 2021.
- Public comment closed 24 Oct 2021 with 14 Individual, 13 Organization, and 6 Community groups submitting comments.

Project Tracking & Rollup

DASHBOARD

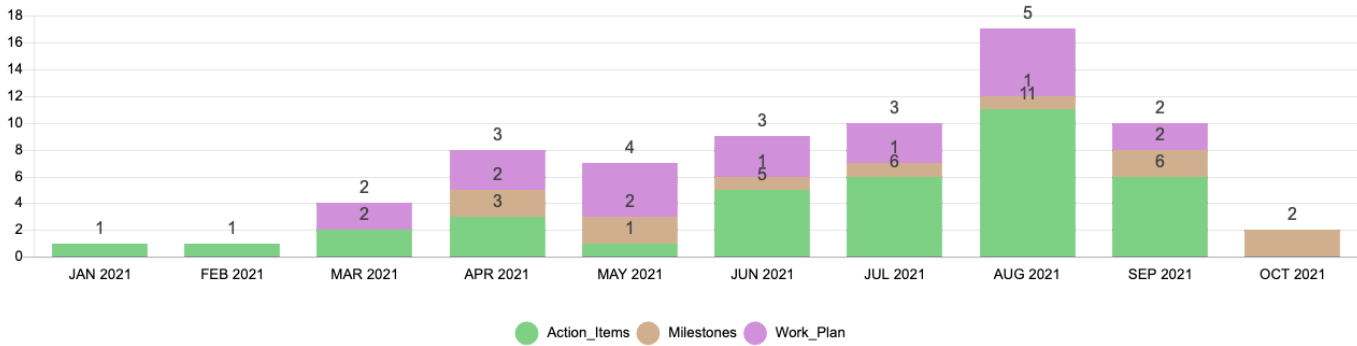


Project Roster

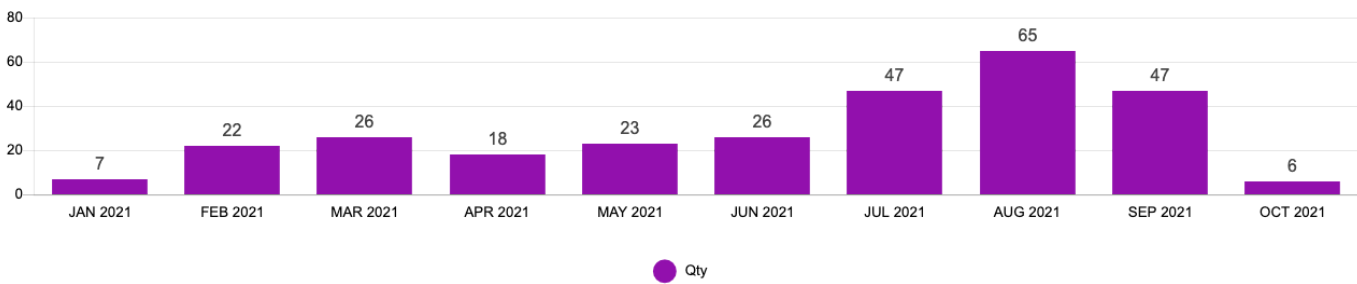
Participant	Participant Type	Role	Participation Start Date	Participation End Date	Legacy SOI Link
Group Selected / Nominated By: Group Name At-Large Advisory Committee (ALAC)					
Yrjö Lämsipuro	Member		12/17/20		https://community.icann.org
Carlos Raúl Gutiérrez	Member		12/17/20		https://community.icann.org
Justine Chew	Alternate		12/17/20		https://community.icann.org
Vanda Scartezini	Alternate		12/17/20		https://community.icann.org
Group Selected / Nominated By: Group Name Commercial Business Users Constituency (BC)					
Jay Chapman	Member		12/17/20		https://community.icann.org
Group Selected / Nominated By: Group Name GNSO Council					
Chris Disspain	Member	Chair	12/17/20		https://community.icann.org
Jeffrey Neuman	Member	Liaison	01/08/21		https://community.icann.org
John McElwaine	Member	Liaison	01/08/21		https://community.icann.org
Group Selected / Nominated By: Group Name Governmental Advisory Committee (GAC)					
Susan Anthony	Member		12/17/20		https://community.icann.org
Kavouss Arasteh	Member		12/17/20		https://community.icann.org
Alexandra Excoffier	Member		12/17/20		https://community.icann.org
Brian Beckham	Member		12/17/20		https://community.icann.org
Jorge Cancio	Alternate		12/17/20		https://community.icann.org
David Satola	Alternate		12/17/20		https://community.icann.org
Matthew Coleman	Alternate		12/17/20		https://community.icann.org
Group Selected / Nominated By: Group Name Intellectual Property Constituency (IPC)					
Paul McGrady	Member		01/11/21		https://community.icann.org
Group Selected / Nominated By: Group Name Internet Corporation for Assigned Names & Numbers (ICANN)					
Mary Wong	Staff - Assigned		12/17/20		
Steve Chan	Staff - Assigned		12/17/20		
Julie Bisland	Staff - Assigned		12/17/20		
Andrea Glandon	Staff - Assigned		12/17/20		
Terri Agnew	Staff - Assigned		12/17/20		
Berry Cobb	Staff - Assigned		12/17/20		
Group Selected / Nominated By: Group Name Internet Service Providers and Connectivity Providers Constituency (ISPCP)					
Oswaldo Novoa	Member		12/17/20		https://community.icann.org
Group Selected / Nominated By: Group Name Non-Commercial Stakeholder Group (NCSG)					
Juan Manuel Rojas	Member		12/17/20		https://community.icann.org
Krishna Seeburn	Member		12/17/20	03/03/21	https://community.icann.org
Ioana Florina Stupariu	Member		12/17/20		https://community.icann.org

Project Tracking & Rollup DASHBOARD

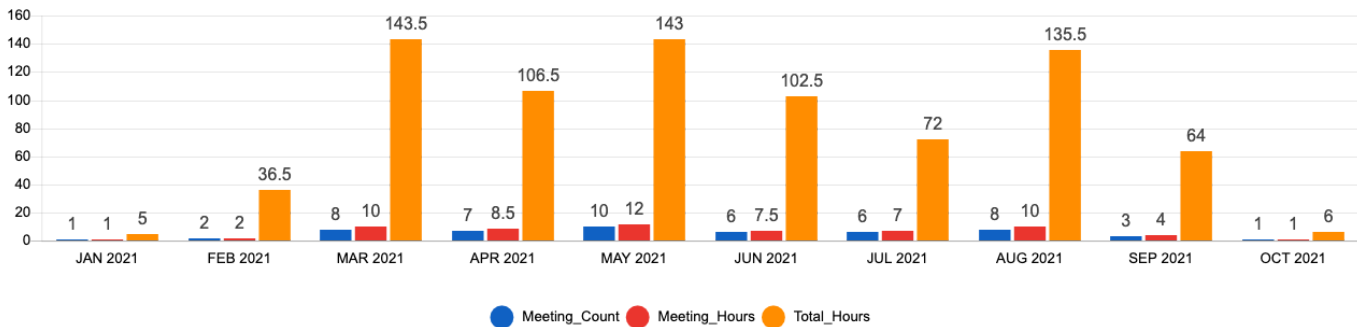
Work-Plan Activity Metrics



Mailman Activity



Meeting Activity



Plenary Attendance

Group Represented	Invited Qty	Attended Qty	Attendance
Total	Sum 394	Sum 334	Avg 84.8%
Primary At-Large Advisory Committee (ALAC)	Sum 77	Sum 54	Avg 70.1%
Attendee Name Carlos Raúl Gutiérrez	Sum 23	Sum 5	Avg 21.7%
Attendee Name Justine Chew	Sum 19	Sum 17	Avg 89.5%
Attendee Name Vanda Scartezini	Sum 12	Sum 11	Avg 91.7%
Attendee Name Yrjö Länsipuro	Sum 23	Sum 21	Avg 91.3%
Primary Commercial Business Users Constituency (BC)	Sum 23	Sum 23	Avg 100.0%
Attendee Name Jay Chapman	Sum 23	Sum 23	Avg 100.0%
Primary GNSO Council	Sum 69	Sum 66	Avg 95.7%
Attendee Name Chris Disspain	Sum 23	Sum 23	Avg 100.0%

Attendee Name Jeffrey Neuman	Sum 23	Sum 22	Avg 95.7%
Attendee Name John McElwaine	Sum 23	Sum 21	Avg 91.3%
Primary Governmental Advisory Committee (GAC)	Sum 131	Sum 116	Avg 88.5%
Attendee Name Alexandra Excoffier	Sum 23	Sum 20	Avg 87.0%
Attendee Name Brian Beckham	Sum 23	Sum 22	Avg 95.7%
Attendee Name David Satola	Sum 19	Sum 19	Avg 100.0%
Attendee Name Jorge Cancio	Sum 2	Sum 0	Avg 0.0%
Attendee Name Kavouss Arasteh	Sum 23	Sum 14	Avg 60.9%
Attendee Name Matthew Coleman	Sum 18	Sum 18	Avg 100.0%
Attendee Name Susan Anthony	Sum 23	Sum 23	Avg 100.0%
Primary Intellectual Property Constituency (IPC)	Sum 23	Sum 21	Avg 91.3%
Attendee Name Paul McGrady	Sum 23	Sum 21	Avg 91.3%
Primary Internet Service Providers and Connectivity Providers Constituency (ISPCP)	Sum 23	Sum 18	Avg 78.3%
Attendee Name Oswaldo Novoa	Sum 23	Sum 18	Avg 78.3%
Primary Non-Commercial Stakeholder Group (NCSG)	Sum 48	Sum 36	Avg 75.0%
Attendee Name Ioana Florina Stupariu	Sum 23	Sum 17	Avg 73.9%
Attendee Name Juan Manuel Rojas	Sum 23	Sum 17	Avg 73.9%
Attendee Name Krishna Seeburn	Sum 2	Sum 2	Avg 100.0%

[Open source report to view more](#)

Health	WBS	Task Name	Current Duration	Current Start	Current Finish	Predecessors	% Complete	Status	Baseline Start	Baseline Finish	Q3		Q4			Q1			Q2			Q3			Q4			Q1			Q2															
											Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
		EPDP: Specific Curative Rights Protections for Intergovernmental Organizations	423d	09/24/20	05/09/22		78%	In Progress	09/24/20	05/09/22																																				
	1	PROJECT CONTROL	423d	09/24/20	05/09/22		89%	In Progress	09/24/20	05/09/22																																				
	1.1	Project start confirmed	1d	09/24/20	09/24/20		100%	Complete	09/24/20	09/24/20																																				
	1.2	Adopt/Confirm charter	1d	09/25/20	09/25/20	3	100%	Complete	09/25/20	09/25/20																																				
	1.3	Confirmation of Team	100d	09/25/20	02/11/21	3	100%	Complete	09/25/20	02/11/21																																				
	1.4	Appointment of Team Chair	60d	09/25/20	12/17/20	3	100%	Complete	09/25/20	12/17/20																																				
	1.5	Appointment of Liaison to GNSO Council	60d	09/25/20	12/17/20	3	100%	Complete	09/25/20	12/17/20																																				
	1.6	Chair / Staff preparations	46d	12/18/20	02/19/21	6	100%	Complete	12/18/20	02/19/21																																				
	1.7	Project Management	362d	12/18/20	05/09/22		80%	In Progress	12/18/20	05/09/22																																				
	1.7.1	Develop and confirm Project Plan	40d	02/22/21	04/16/21	8	100%	Complete	02/22/21	04/16/21																																				
	1.7.2	Obtain project plan approval from GNSO Council	10d	04/19/21	04/30/21	10	100%	Complete	04/19/21	04/30/21																																				
	1.7.3	Develop monthly Project Packages and deliver to Group & Council	180d	05/03/21	01/07/22	11	70%	In Progress	05/03/21	01/07/22																																				
	1.7.4	Leadership Sub team	260d	12/18/20	12/16/21		85%	In Progress	12/18/20	12/16/21																																				
	1.7.4.1	On-going preparation and planning of group activities	260d	12/18/20	12/16/21	6	85%	In Progress	12/18/20	12/16/21																																				
	1.7.5	Close project and transition project to implementation	5d	05/03/22	05/09/22	14, 72	0%	Not Started	05/03/22	05/09/22																																				
	2	GROUP DELIBERATIONS	125d	02/22/21	08/13/21		100%	Complete	02/22/21	08/13/21																																				
	2.1	First meeting of EPDP Team	1d	02/22/21	02/22/21	8	100%	Complete	02/22/21	02/22/21																																				
	2.2	Understand Charter, organize materials and develop initial approach	10d	02/22/21	03/05/21	8	100%	Complete	02/22/21	03/05/21																																				
	2.3	Develop definitions and terminology	21d	02/22/21	03/22/21	8	100%	Complete	02/22/21	03/22/21																																				
	2.4	Topic 1 Deliberations - Evaluate Standing to File a Complaint under the UDRP and URS	115d	03/08/21	08/13/21		100%	Complete	03/08/21	08/13/21																																				
	2.5	Topic 2 Deliberations - Evaluate Jurisdictional Immunity in Context of Rec#5	115d	03/08/21	08/13/21		100%	Complete	03/08/21	08/13/21																																				
	2.6	Unplanned Issues & Tasks	0	03/05/21	03/05/21		100%	Complete	03/05/21	03/05/21																																				
	3	INITIAL REPORT	155d	03/23/21	10/25/21		100%	Complete	03/23/21	10/25/21																																				
	3.1	Assemble initial conclusions	104d	03/23/21	08/13/21	19	100%	Complete	03/23/21	08/13/21																																				
	3.2	Populate discussion papers with findings and potential recommendations	104d	03/23/21	08/13/21	19	100%	Complete	03/23/21	08/13/21																																				
	3.3	Discuss/approve findings and interim recommendations	6d	08/16/21	08/23/21	20, 27, 53	100%	Complete	08/16/21	08/23/21																																				
	3.4	Consolidate interim recommendations and findings	5d	08/24/21	08/30/21	54	100%	Complete	08/24/21	08/30/21																																				
	3.5	Build Draft Report for public comment	5d	08/24/21	08/30/21	54	100%	Complete	08/24/21	08/30/21																																				
	3.6	Approve Draft Report for public comment	10d	08/31/21	09/13/21	56	100%	Complete	08/31/21	09/06/21																																				
	3.7	Publish Initial Report	0	09/13/21	09/13/21	57	100%	Complete	09/06/21	09/06/21																																				
	3.8	Communicate Initial Report	5d	09/14/21	09/20/21	57	100%	Complete	09/07/21	09/13/21																																				
	3.9	Public comment forum on the Initial Report (40 days)	30d	09/14/21	10/25/21	57	100%	Complete	09/07/21	10/25/21																																				
	4	FINAL REPORT	40d	10/26/21	12/20/21		1%	In Progress	10/26/21	12/20/21																																				
	4.1	Review of public comments	20d	10/26/21	11/22/21	51	2%	In Progress	10/26/21	11/29/21																																				
	4.2	Continue deliberations of policy topics towards a Final Report	25d	10/26/21	11/29/21	51	0%	In Progress	10/26/21	11/29/21																																				
	4.3	Build Final Report & Final Deliberations	5d	11/30/21	12/06/21	63	0%	Not Started	11/30/21	12/06/21																																				
	4.4	Determine consensus levels on interim recommendations	10d	12/07/21	12/20/21	64	0%	Not Started	12/07/21	12/20/21																																				
	4.5	Adopt final recommendations and report	10d	12/07/21	12/20/21	64	0%	Not Started	12/07/21	12/20/21																																				
	4.6	Submission of Final Report to the GNSO Council	0	12/20/21	12/20/21	66	0%	Not Started	12/20/21	12/20/21																																				
	5	POST GROUP TASKS	95d	12/21/21	05/02/22			Not Started	12/21/21	05/02/22																																				
		PDP CHECKLIST	253d	09/24/20	09/14/21																																									

Health	Category	Action Item	Priority	Assigned To	Baseline Finish	Current Finish	Status	Notes
	MS	Submit Initial Report for Public Comment	!	IGO-WT Team	09/14/21	09/14/21	Complete	
	MS	Deliver Project Package to Council	↓	Berry Cobb	10/05/21	10/05/21	Complete	
	MS	Close of Public Comment	!	IGO-WT Team	10/24/21	10/24/21	Complete	
	AI	EPDP to review public comments in prep for first meeting	—	IGO-WT Team	11/02/21		In Progress	
	WP	Meeting #27 - Review of Public Comments	↓	IGO-WT Team	11/02/21		In Progress	
	MS	Deliver Project Package to Council	↓	Berry Cobb	11/05/21		In Progress	
	WP	Meeting #28 - Review of Public Comments	↓	IGO-WT Team	11/08/21		Not Started	
	WP	Meeting #29 - Review of Public Comments	↓	IGO-WT Team	11/15/21		Not Started	
	WP	Meeting #30 - Review of Public Comments	↓	IGO-WT Team	11/22/21		Not Started	
	WP	Meeting #31 - Final deliberations and prepare Final Report	↓	IGO-WT Team	11/29/21		Not Started	
	WP	Meeting #32 - Final deliberations and prepare Final Report	↓	IGO-WT Team	12/06/21		Not Started	
	WP	Meeting #33 - Final deliberations and prepare Final Report / Begin Consensus call	↓	IGO-WT Team	12/13/21		Not Started	
	WP	Meeting #34 - Confirm Consensus call on Final Report	↓	IGO-WT Team	12/20/21		Not Started	
	MS	Deliver Final Report to the GNSO Council	!	IGO-WT Team	12/20/21		Not Started	