

**Concept Note: NCSG UDRP Update - ICANN83 Half-Day Session**

**Date:** June 8th (14h00 - 17h00, local time, UTC/GMT +2 - Soft opening from 13h30 - 14h00)

**Duration:** Approximately 3 hours (including break) + Dinner afterward

**Location:** Impact Hub Praha D10

Address: Drtinova 557/10, 150 00 Praha 5-Smíchov, Czech Republic.

The Impact Hub Prague is about 20 minutes away from the Congress Center and Grand Prague Hotel Towers. **The address in Uber is: Impact Hub Praha D10, Drtinova 557/10, Smichov, Praha**

*When you arrive, your Uber may drop off you at the intersection of Zubateho and Drtinova. If so, turn left and the Impact Hub #10 will be on the left in a few feet. You'll see a big blue #10 and large red sign for "Impact Hub." Second floor.*

**Attendees:** Inviting all NCSG Councilors, all supported members of NCSG, NCUC, and NPOC, and other members with a special interest in the UDRP.

**Budget:**

| N. of people                                                                          | Est. Budget |
|---------------------------------------------------------------------------------------|-------------|
| 10                                                                                    | ~1000       |
| 20                                                                                    | ~2000       |
| Distant Traveler (pp)<br>(will be paid to each person in cash,<br>through US dollars) | ~125        |

*Expenses: Venue; Food during the session; Transportation to venue; Dinner; Extra day for distant travelers*

**Estimated: USD 2800, to be returned to NCUC if less than that is used**

**Background:** The Uniform Domain-Name Dispute-Resolution Policy (UDRP) has been a cornerstone of domain name governance, providing a framework for resolving disputes related to domain names. The first consensus policy of ICANN, which was deeply influenced by a non-commercial perspective to achieve its current level of balance and fairness, is about to be reviewed as part of the ongoing phase 2 of all Rights Protection Mechanisms (RPMs) review, so it is crucial for the Non-Commercial Stakeholder Group (NCSG) to stay informed and actively participate in this process. The upcoming ICANN82 conference presents a timely opportunity to convene NCSG members involved in policy-making, particularly GNSO Councilors, to discuss the implications of the UDRP review.

**Project Objectives:** The primary aim of this half-day session is to update NCSG policy decision-makers on the old problems and latest developments concerning the UDRP review. By facilitating an interactive discussion, we intend to achieve the following objectives:

- (i) Explore the history of the UDRP and what NCUC (then the only Noncommercial organization) fought for in terms of balance and fairness.
- (ii) Explore issues of concern today for the Non-Commercial Stakeholder Group as they only Stakeholder actively interested in the fairness and balance of the process for *registrants* (and not just trademark owners bringing UDRP complaints).
- (iii) Explore next steps for GNSO Council Charter drafting (as PDP 3.0 has changed the charter process considerably from a broad and comprehensive one to a narrower and focused one. What does our NCSG Councilors need to add to the upcoming UDRP Review Charter to ensure that the upcoming Policy Development Process Working Group analyzes procedural and substantive issues of deep concern to noncommercial registrants (and not just large trademark owners)?
- (iv) After 25 years, why is the UDRP process still so biased for trademark owners?
- (v) Going Forward: How can NCSG, NPOC and NCUC prepare for and “staff” the following key questions?

- (a) Provide comprehensive insights into the current status and findings of the UDRP review, highlighting key areas of concern and potential opportunities for non-commercial interests;
- (b) Enhance the understanding of NCSG members regarding the complexities of the UDRP, equipping them with the knowledge necessary to advocate for effective policy revisions;
- (c) Collaboratively develop actionable strategies and next steps for NCSG members to effectively engage in the UDRP review process and influence outcomes that align with our interests.

**Target Audience/Stakeholders:** The session will primarily engage NCSG members involved in policy-making, with a particular focus on our GNSO Councilors.

**Expected Outcomes:** The session aims to deliver the following outcomes: (i) a shared understanding among NCSG members of the risks and opportunities associated with revising the UDRP from a non-commercial perspective; (ii) An enhanced grasp of the UDRP policy framework and its implications for stakeholders; (iii) A set of clearly defined action strategies that NCSG members can pursue in the coming months to effectively influence the UDRP review process, including charter drafting.

## Agenda:

### Soft opening from 13h30 - 14h, local time

|             |                                               |
|-------------|-----------------------------------------------|
| 13h30 - 14h | Informal meet and greet (Refreshments served) |
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### 14h, local time - Start (approximately 3h duration)

|       |                                                                                                                                               |
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| 5min  | Welcome from Pedro: What we will be discussing during the day                                                                                 |
| 40min | Sharing context, history of the current UDRP Policy, including what happened in 1998 (Department of Commerce), early 1999 (World Intellectual |

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|        | <p>Property Organization report), and mid-1999 (early ICANN meeting and major changes proposed by the Noncommercial). <b>Kathy (20 min)</b></p> <p>How the UDRP is enforced in the gTLDs (governance by ICANN contract) and the relations of the UDRP with ccTLDs. What is implicit, such as the strong lobby IP has in policy and law making, panelists' influence through precedents, WIPO alignments, and potential conflicts by being a provider, among others. <b>(Pedro 15 min)</b></p>                                                                                                                                                                                                                                                                                                                                                                              |
| 45min  | <p><b>Drafting Upcoming UDRP Charter under PDP 3.0 rules &amp; Planning next steps:</b></p> <p>(1) Quick Mapping what we know will be part of the incoming discussions and claims - Analysis of the <a href="#">ICANN's PSR</a> and <a href="#">WIPO-ICA's report</a> and how we bring to Council materials highlighting our concerns: Georgia Tech Report (soon to be published) and our UDRP 2024 Data Analysis (soon to be completed) <b>(Pedro and Kathy – 20 min total)</b></p> <p>(2) From an NCSG perspective, what needs to be on the charter (the scope should be broad and question that should be made) <b>(Councilors who want to talk about the PDP 3.0)</b> and how to strategize to avoid the IPC to control the process, guaranteeing the results to be balanced <b>(Pedro will facilitate for the Councilors answers/perspectives) (25 min total)</b></p> |
| 30min  | <p><i>Break (Refreshments served)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 30 min | <p>NCSG members (NCUC &amp; NPOC) working on UDRP High-Level Data and preparing spreadsheets with 200 2024 WIPO UDRP cases each: What trends are you seeing, what concerns you? (20 min - Emmanuel, Frank, Namra and Wale)</p> <p>Controversial decisions made within the UDRP (10 min - Pedro)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 30min  | <p><b>Planning the work that needs to be done after the Charter passes</b></p> <p>Brainstorming moment. Remembering what we discussed in the final part of the first section of this session.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|       | How can we gain comprehensive insights about the UDPR and collaboratively develop actionable strategies and next steps for our members to effectively engage in the review process and influence outcomes that align with our interests? 30 minutes, with whiteboards and tablets. |
| After | Dinner at Smíchovský Radniční Sklípek, Preslova 4, 150 00 Praha 5-Anděl, Czechia (10 min walk)                                                                                                                                                                                     |