

GAC Advice – Johannesburg Communiqué: Actions and Updates (23 September 2017)

Board Resolution 2017.09.23.07

GAC Advice Item	Advice Text	DRAFT Board Understanding Following Board-GAC Call	DRAFT Board Response
<p>§1.a.I – §1.a.III, Intergovernmental Protections</p>	<p>1. Intergovernmental Organization (IGO) Protections</p> <p>a. The GAC reiterates its Advice that IGO access to curative dispute resolution mechanism should:</p> <p>I. be modeled on, but separate from, the existing Uniform Dispute Resolution Policy (UDRP)</p> <p>II. provide standing based on IGOs’ status as public intergovernmental institutions, and</p> <p>III. respect IGOs’ jurisdictional status by facilitating appeals exclusively through arbitration.</p> <p>The GAC expresses concern that a GNSO working group has indicated that it may deliver recommendations which substantially differ from GAC Advice, and calls on the ICANN Board to ensure that such recommendations adequately reflect input and expertise provided by IGOs.</p>	<p>The Board understands that the GAC wishes that Intergovernmental Organization (IGO) protections:</p> <ol style="list-style-type: none"> 1. Be modeled on, but separate from, the existing Uniform Dispute Resolution Policy; 2. Provide standing for IGOs within curative dispute resolution mechanisms based on their status as public intergovernmental institutions; and 3. Facilitate appeals relating to the curative dispute resolution mechanisms exclusively through arbitration. <p>The Board understands that the GAC is concerned that the GNSO PDP Working Group on IGO-INGO Curative Rights Protection Mechanisms may issue recommendations that differ from GAC Advice. The Board understands that the GAC wishes that the ICANN Board apply its oversight responsibilities to the work of the GNSO PDP Working Group so that recommendations and input from the entire community are acknowledged and considered in accordance with the GNSO’s operating procedures.</p>	<p>The Board acknowledges the GAC’s Advice and its concerns. The Board reiterates that as part of a PDP, the Working Group has an obligation to duly consider all inputs received*.</p> <p>The Board notes that the GNSO Council has informed the Board that all public comments and input received by the PDP Working Group, including from the GAC and IGOs, have been extensively discussed by the Working Group. The Board notes, further, that the GNSO Council considers the upcoming ICANN60 meeting to be an opportunity for further discussions among the community. The Board will continue to facilitate these discussions and encourages participation in them by all affected parties.</p> <p>* From the GNSO Operating Procedures: <i>“Public comments received as a result of a public comment forum held in relation to the activities of the WG should be carefully considered and analyzed. In addition, the WG is encouraged to explain their rationale for agreeing or disagreeing with the different comments received and, if appropriate, how these will be addressed in the report of the WG”.</i></p>