

19 December 2018

Jay Chapman, President, Digimedia.com, LP  
Nat Cohen, President, Telepathy, Inc.  
Paul Keating, Law.es  
George Kirikos, President, Leap of Faith Financial Services Inc.  
Alex Lerman  
Reg Levy, Director of Compliance, Tucows  
David Maher, Senior Vice-President for Law and Policy, Public Interest Registry  
Zak Muscovitch, General Counsel, Internet Commerce Association  
Mike Rodenbaugh, Rodenbaugh Law

### **IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process**

Dear members of the IGO-INGO Curative Rights Working Group,

Thank you for your letter of 16 August 2018. As the President and Chief Executive Officer of ICANN, I am responding on behalf of the ICANN Board.

You may have seen my reply to Mr. Stephen Matthias, the Assistant Secretary General for the Office of Legal Affairs at the United Nations, which was published on ICANN Organization's correspondence page on 29 November 2018 (<https://www.icann.org/en/system/files/correspondence/marby-to-mathias-29nov18-en.pdf>). As I highlighted in that letter, the Board is fully cognizant of the need for the bottom-up policy process to reach conclusions. The ICANN Bylaws also document the process that the Board must follow in considering both Generic Names Supporting Organization (GNSO) policy recommendations and Governmental Advisory Committee (GAC) advice. With respect to the topic of appropriate curative protections for International Governmental Organizations (IGOs), the Board stands ready to facilitate a substantive, solutions-oriented discussion when invited to do so by the GNSO and the GAC.

I understand that the GNSO Council has discussed the Final Report of the Policy Development Process (PDP) Working Group, submitted in July 2018, and the consensus recommendations from the PDP Working Group at its last few meetings, most recently at its 29 November 2018 meeting. I believe that the topic will remain on the GNSO Council's agenda for its upcoming December meeting, as the Council continues to deliberate on what it believes to be the most appropriate procedural path forward.

It is my understanding that the GNSO Council is aware of your letter and the various concerns that you have raised. The ICANN Board and ICANN org also await a decision from the GNSO Council on the outcome of the PDP. In this regard, my staff remains committed to supporting the community and the Board as they seek to reach an agreed resolution on the topic of IGO curative rights protections.

In closing, I would like to thank you for your participation in and continued commitment to the multi-stakeholder, bottom-up ICANN policy development process.

I am copying Mr. Keith Drazek, GNSO Chair, on this response for his and the GNSO Council's information as well as the other GNSO community members that were copied on your original letter.

Yours sincerely,



Göran Marby  
President and Chief Executive Officer  
Internet Corporation for Assigned Names and Numbers (ICANN)

Cc. Mr. Keith Drazek, GNSO Chair; Dr. Heather Forrest; Ms. Susan Kawaguchi; Mr. Petter Rindforth