

19 December 2018

Mr. Paul R. Keating, Esq.

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

Dear Mr. Keating,

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. I note that you were also a signatory to a letter that was sent to the ICANN Board on the same day by 9 members of the Working Group. Please be informed that I have written separately to the group along similar lines to this reply.

As I noted in my letter in response to Mr. Stephen Matthias, the Assistant Secretary General for the Office of Legal Affairs at the United Nations, the Board is fully cognizant of the need for the bottom-up policy process to reach conclusions. The ICANN Bylaws 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. My letter to Mr. Matthias 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>).

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, as well as the letter from the 9 Working Group members, and the various concerns that have been raised. The ICANN Board and ICANN org 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.

Yours sincerely,



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