

The ICANN GNSO “Business Constituency”



ICANN Business Constituency (BC) Comment on

[WIPO-ICA UDRP Review Initial Report](#)

25-Jun-2025

Background

This document provides input from the ICANN Business Constituency (BC), from the perspective of business users and registrants. We advocate for ICANN policy that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

General Comment

The Business Constituency (BC) appreciates the opportunity to provide input on the [WIPO-ICA UDRP Review Initial Report](#).

The BC wishes to extend its gratitude and appreciation to WIPO and to BC Member, the ICA, for their joint leadership in conducting this review and producing an Initial Report for public comment. Both parties have been thought leaders in the field of the UDRP and bring extensive and particularly practical expertise to the effort. We also commend the inclusion of the diverse Project Team comprised of users of the system and the outside group of subject matter experts that it consulted, representing voices and expertise from all parts of the ICANN community. This has enabled the Initial Report to reflect the inputs of a wide variety and balanced group of people with specialized knowledge and hands-on experience.

ICANN is a multistakeholder organization and relies upon the community's expertise in policy development. The BC believes that this joint effort from diverse stakeholders represents the best of ICANN community efforts and consensus building and can substantially contribute to the efficiency of ICANN's established Policy Development Process. We look forward to the GNSO Council's review and consideration of the Final Report once WIPO and ICA take into account feedback received through this consultative process and hope that it will be regarded as a key input to chartering Phase 2 of the RPM Working Group.

As full supporters of the multistakeholder model, we are keen to ensure that the Policy Development Process is efficient, built upon practical experience and specialist knowledge, and timely. We are also mindful of the GNSO Council's May 2025 decision to defer the review of the UDRP, in part due to the need to prioritize its workload. It would therefore be logical and expedient for the Council to accept this Report as an expert assessment of the operation of the policy when the review is launched, as foreseen by Section 13.1 of ICANN's by-laws which specifically envisions seeking of external expert advice to assist with the Policy Development Process. This is precisely what the Initial Report exemplifies and includes. Section 13.1 states as follows:

Section 13.1. EXTERNAL EXPERT ADVICE

(a) Purpose: The purpose of seeking external expert advice is to allow the policy-development process within ICANN to take advantage of existing expertise that resides in the public or private sector but outside of ICANN. In those cases where there are relevant public bodies with expertise, or where access to private expertise could be helpful, the Board and constituent bodies should be encouraged to seek advice from such expert bodies or individuals.

In particular, the BC generally supports the concept of a bifurcated and highly focused approach to Phase 2, as recommended in the Initial Report. This will enable the Working Group to more efficiently and expeditiously reach consensus on some issues in the shorter term and defer more complex and challenging issues to a later stage, or to a dedicated, separate work effort if appropriate. We also support the overall principle espoused by the Initial Report, that any changes to the UDRP should do no harm to the overall efficacy of the Policy which is widely recognised within the DNS community as being effective and not in need of wholesale revisions, and is relied upon daily by both domain name registrants and trademark owners to protect their rights.

We believe that the specifics of particular recommendations included in the Initial Report are less important at this time than the importance of the overall approach taken, namely a proposed streamlined path forward. We strongly advocate for the GNSO Council to take the Final Report's findings into consideration when it comes time to chartering Phase 2 rather than duplicating, or worse, disregarding, the evidence-based work and proven expertise of this cross-functional global Project Team. The Initial Report's findings of unanimity and continuing disagreement in respect of various policy recommendations are an important and strong signal to the GNSO as to where consensus is likely achievable in Phase 2. Once underway, the BC will examine particular policy recommendations and look forward to participating in the Policy Development Process.

The BC recognizes that the UDRP has played a crucial role for brand owners in protecting their trademark rights over the course of 25 years. The BC also recognizes that bona fide domain name owners such as companies and domain name investors, have a serious interest in ensuring that their rights continue to be adequately protected. It is therefore gratifying to see that the two leads of the Initial Report have come together to find common ground and we urge the entire ICANN community to stand behind this effort.

This comment was prepared and submitted by the ICANN Business Constituency (BC) and approved in accordance with the BC [Charter](#).