

January 22, 2021

Dear Members of the GNSO Council:

We write as co-chairs of the recently completed Phase 1 review of all RPMs in all gTLDs WG.

On our own behalf, as well as for the many dedicated WG members who participated in our multi-year effort, we extend our heartfelt thanks to Council members for your unanimous approval of the Recommendations contained in our Final Report at your January 21st meeting.

However, we are aware that during the Council's pre-vote consideration of the Report, there was discussion of creating a combined Implementation Review Team (IRT) for the recommendations produced by the RPM and Subsequent Procedures (SubPro) WGs, and that the Council may further discuss this possibility.

With respect, we do not believe that such a combined IRT would be a useful or productive approach, and urge that the Council establish separate RPM and SubPro IRTs for the following reasons:

- While 34 of the 35 RPM recommendations received full consensus, many of them present complex issues to be worked out by the IRT, and doing so successfully could be undermined by vastly expanding the number of issues to be addressed by a combined IRT.
- Community members who may wish to contribute to the IRT after participating in the WG, or because they have interest and expertise in trademark issues, should not be compelled to participate in discussions of second round procedural issues in which they may have no interest or expertise. Doing so risks reducing overall community participation.
- The RPM modifications recommended by our WG will apply to both first round and future new gTLDs, while the recommendations made by SubPro will apply only to future rounds.
- The WGs were supported by different ICANN staff, and a combined IRT could consequently put a greater overall burden on staff.

In conclusion, we believe that the recommendations made by the RPM WG will be better and more expeditiously implemented if addressed by an IRT focused solely on rights protection matters, rather than one also tasked with additional important, difficult, and unrelated procedural implementation matters.

Thank you for your consideration of our views on this matter.

Sincerely,

Brian Beckham

Kathryn Kleiman

Philip Corwin