

ICANN POLICY GUIDANCE ON IGO USAGE OF UDRP AND URS

[insert publication date here]

Background:

The Uniform Domain-Name Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension System (URS) are administrative proceedings for trademark holders to use to resolve disputes involving gTLDs (and in the case of the UDRP, many ccTLDs). ICANN is not involved in UDRP and URS proceedings. These proceedings are initiated by submitting a complaint against a domain name registrant to an ICANN-approved Dispute Resolution Service Provider (see the following links for a list of ICANN-approved providers for the [UDRP](#) and [URS](#)). The UDRP and URS offer faster and more cost-effective alternatives to formal court proceedings. Full details of the UDRP and URS Rules and procedures are available at:

- [Uniform Domain-Name Dispute-Resolution Policy \(UDRP\)](#)
- [Uniform Rapid Suspension \(URS\)](#)

The ICANN Generic Names Supporting Organization (GNSO) developed two sets of consensus policy recommendations related to the use of the UDRP and URS by Intergovernmental Organizations (IGOs):

- [The IGO-INGO Access to Curative Rights Protection Mechanisms PDP \(2018\)](#)
- [The EPDP on Specific Curative Rights Protections for IGOs \(2022\)](#)

The ICANN Board [adopted and directed](#) ICANN org to implement these consensus policy recommendations in April 2023. To this end, ICANN has implemented updates to the UDRP and URS, effective [XX].

In addition to updates to the UDRP and URS, the GNSO recommended that ICANN publish policy guidance to clarify how an IGO may seek to demonstrate that it has the requisite standing to file a complaint under the UDRP or URS.

Pursuant to the GNSO Council resolution in [January 2026](#), this guidance also includes general information on arbitration in the context of UDRP and URS proceedings involving IGO Complainants.

Purpose:

The ICANN community has recognized that IGOs have various ways to file a UDRP or URS complaint and recommended that ICANN publish policy guidance related to potential filing options available to them. This GNSO-recommended guidance aims to help IGOs evaluate the option most appropriate to their circumstances.

This document provides guidance on:

- The eligibility of IGOs to file a complaint using the UDRP/URS;
- How IGOs can demonstrate standing under these procedures; and
- The availability of arbitration, including the EPDP-developed Arbitral Proceeding, to address the claims made in UDRP and URS proceedings involving IGOs.

This document is issued by ICANN, at the recommendation of the GNSO and at the direction of the ICANN Board. ICANN is not involved in UDRP or URS proceedings and has no role in making or enforcing UDRP or URS decisions. This document is issued for guidance purposes only and imposes no requirements on UDRP/URS users or contracted parties. It does not constitute legal advice, and parties who wish to pursue UDRP or URS proceedings are advised to consult their counsel for legal advice that may be desired in relation to such proceedings.

1. IGO Standing to Use the UDRP and URS

The ICANN Board-adopted GNSO recommendations on the use of the UDRP and URS by IGOs confirm that when an IGO holds trademark rights in a particular domain name or identifier, the entity possesses the same standing to submit a complaint using the UDRP or URS as any other non-IGO trademark owner.¹

Where an IGO does not hold trademark rights in a particular name or identifier, [date] updates to the UDRP and URS Rules provide criteria on how such an IGO could demonstrate its standing to file a UDRP or URS complaint.

¹Please see the [Final Report on the IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process, at pp. 13-14](#): “...alternative mechanism for standing is not needed in a situation where an IGO already holds trademark or service mark rights in its name and/or acronym, as the IGO would in such a case proceed in the same way as a non-IGO trademark owner[.]”

Section 1 of the UDRP and Section 1 of the URS Rules have each been updated to include a definition of an “IGO Complainant.”

Pursuant to this new definition, Complainants that can demonstrate that they meet any of the following defining criteria will be treated as an IGO Complainant by the UDRP panel or URS examiner when considering a complaint:

- The entity is an international organization established by a treaty, and which possesses international legal personality; or
- The entity is an intergovernmental organization that has received a standing invitation, which remains in effect, to participate as an observer in the sessions and the work of the United Nations General Assembly; or
- The entity is a Specialized Agency or distinct entity, organ, or program of the United Nations.

Section 3(b)(viii) of the UDRP Rules and Section [3(b)(v)] of the URS Rules have also been updated. These updates specify how an IGO Complainant can show unregistered rights to a name or identifier that are functionally equivalent to trademark rights and how a party can be found to have standing as an IGO Complainant.

Specifically, the IGO Complainant must demonstrate that the name or identifier which forms the basis for the complaint is used by the IGO Complainant to conduct public activities in accordance with its stated mission as may be reflected in its treaty, charter, or governing document. The GNSO policy recommendations are explicit that this use must not be a “token use”.²

Use of the name or identifier will be assessed by the UDRP panel or URS examiner based on documentary evidence provided by the IGO Complainant. It is the responsibility of the IGO Complainant to provide sufficient evidence to support its claim to hold unregistered trademark rights in a name or identifier. Guidance may be found, for example, in the WIPO Jurisprudential Overview [section 1.3](#).

2. UDRP and URS Complaint Filing Options Available to IGOs

The [date] updates to the UDRP and URS Rules do not include specific instructions on filing options for IGOs. However, UDRP and URS panels have interpreted these Rules

² [EPDP Recommendation 1\(ii\)](#)

to accommodate an IGO's submission of a UDRP or URS complaint through multiple paths.

There are also ways for IGOs to take action outside of the UDRP, URS, or a formal legal process. Initially, the IGO could attempt to contact the domain registrant directly to informally resolve a dispute, such as by requesting or negotiating a voluntary transfer of the domain name. An IGO could also seek to resolve the issue at the registrar level if the IGO believes that a registrant's activities are in violation of the applicable Registry Agreement by filing a compliance complaint with the registrar before or instead of filing a lawsuit or electing to file a UDRP or URS complaint. General guidance on domain name-related disputes, including how to identify and contact the relevant registrar, is available on the [ICANN website](#).

If attempts to resolve the dispute with the registrant or registrar are not undertaken or prove unsuccessful, an IGO may choose to file a complaint using the UDRP or URS in the following ways, according to their specific needs and circumstances.

2.1 Direct Filing by an IGO

An IGO can opt to file a UDRP or URS complaint with an ICANN-approved UDRP or URS Dispute Resolution Service Provider if:

- The IGO meets the requirements to be recognized as an IGO Complainant set out in the UDRP and URS, or holds rights to a valid trade or service mark; and
- The IGO meets all other eligibility requirements for a UDRP or URS complaint and can demonstrate the necessary grounds for a complaint, depending on whether the complaint is filed using the UDRP or URS. Please see the UDRP and URS Rules, as well as any applicable Supplemental Rules, for more information.

To file a UDRP or URS complaint, an IGO must prepare a complaint, including all relevant supporting evidence, and file it with its chosen UDRP or URS Dispute Resolution Service Provider (see the following links for a list of ICANN-approved providers for the [UDRP](#) and [URS](#)). More information on this process can be found at the following [link](#).

2.2. Filing on behalf of an IGO by an Authorized Representative, Licensee, Assignee or Agent

Paragraph 3(b)(ii) of both the UDRP and URS Rules allow a complainant to provide the name, address, and contact details of any representative authorized to act for the complainant in the administrative proceeding. Traditionally, this has been understood as referring to the contact information for the legal counsel filing the complaint.

It has been suggested that an IGO may also designate an authorized representative, such as its legal counsel, agent, or licensee, to file a complaint on its behalf. **This suggestion has been questioned by IGOs and does not constitute legal advice, and IGOs are encouraged to seek legal counsel before considering this option, particularly in relation to their institutional privileges and immunities.**

While the UDRP or URS Rules do not require a complainant to provide evidence or proof of permission from an IGO to file on its behalf, this may be required by the appointed panel. Evidence that a complainant has the legal right to enforce the rights of the IGO on whose behalf the complainant purports to act may also be requested by the UDRP or URS provider administering the complaint, potentially in the form of a letter of authorization, license, or assignee agreement.

Where the individual or entity that submits the UDRP or URS complaint does not itself possess registered trademark rights in the name or identifier (i.e., it is acting as an agent), the decision of the relevant panel or examiner will still be based on the ability of the complainant to assert trademark rights.

3. Use of the New Arbitral Proceeding for UDRP and URS Proceedings Involving IGO Complainants.

The [EPDP on Specific Curative Rights Protections for IGOs](#) recommended that ICANN implement a new arbitral mechanism to provide an alternative to court proceedings in UDRP and URS cases involving IGOs. The ICANN-created Arbitral Proceeding is designed to occur following a UDRP, URS, or relevant court determination under the administration of ICANN-approved arbitral institutions.

Following implementation of the EPDP Recommendations, IGO Complainants are no longer required to submit to a court of mutual jurisdiction as a condition to filing a UDRP or URS complaint. Instead, IGOs must agree at the point of filing that the respondent in a UDRP or URS proceeding (the registrant) may, at certain points, use the Arbitral Proceeding as an alternative means to seek review following a UDRP or URS determination in favor of an IGO Complainant, if they choose to do so.

The Arbitral Proceeding may be initiated by a Respondent within ten (10) business days of one the following:

- the date of a UDRP panel decision in favor of the IGO Complainant; or
- the date of a URS Appeals panel decision in favor of an IGO Complainant; or
- the date of a court order declining to hear the merits of the registrant's claim on the basis of IGO privileges and immunities

In such cases, the IGO Complainant must agree, when filing its UDRP or URS Complaint, to resolve the dispute via the Arbitral Proceeding. A Respondent may also choose to initiate an Arbitral Proceeding prior to the communication of a UDRP or URS Appeal's panel decision. In this situation, the IGO Complainant may, **but is not required to agree** to resolve the dispute through the Arbitral Proceeding and to be bound by the decision of the Arbitral Panel.

The availability of the new Arbitral Proceeding does not restrict parties to a proceeding from agreeing to pursue other forms of arbitration or dispute resolution at any time, including following the filing of a complaint. The decision to initiate such proceedings would not automatically affect, replace, supersede or interfere with any ongoing UDRP or URS proceeding. Other than in the case of the ICANN-created Arbitral Proceeding, neither the UDRP or URS Rules and Procedures provide specific guidance regarding the impact of arbitration or dispute resolution processes on a corresponding UDRP or URS case.

Arbitration should not be initiated for the purpose of delaying or prolonging the resolution of a dispute. The use of arbitration should be in good faith and with a view to resolving the dispute in an efficient and coordinated manner.

This guidance is advisory only and does not constitute legal advice. It does not modify or affect the operation of the UDRP or URS Rules.

Implementation Note

During its review of the implementation requirements for the [Curative Rights PDP](#), the IGO-INGO Implementation Review Team (IRT) agreed that the original suggestions for standalone Policy Guidance in Recommendations 2 and 3 had been effectively superseded by the comprehensive frameworks established in the subsequent [EPDP Final Report](#),

Specifically, PDP Recommendation 2 addressed the complex issue of an IGO establishing standing via Article 6ter of the Paris Convention and left the determinative decision entirely to panelist discretion. This requirement was rendered obsolete by EPDP Recommendation 1, which provides clear eligibility and evidentiary requirements to establish IGO standing to file complaints under the UDRP and URS, which have been reflected in updates to the UDRP and URS rules and procedures.

The IRT determined that to issue separate, standalone Policy Guidance strictly reflecting the text of PDP Recommendations 2 and 3 would therefore be both misleading and potentially confusing for prospective IGO complainants and dispute resolution panelists. Instead, the IRT agreed that ICANN org should issue a single, comprehensive Policy Guidance document reflecting the EPDP provisions, thereby providing the community with accurate and relevant information.