

We take note of the publication for public comment of the *ICANN Policy Guidance on IGO Usage of UDRP and URS* and the clean and redline versions of the proposed updates to the UDRP, UDRP Rules, URS, and URS Rules. We welcome the implementation of the recommendations contained in the *Final Report from the Expedited Policy Development Process (EPDP) Team on Specific Curative Rights Protections for IGOs (2022)*, in particular the introduction of a mechanism enabling IGOs to access the UDRP and URS without being required to waive their privileges and immunities.

At the same time, we note that certain provisions appear to extend beyond the implementation of the EPDP recommendations. The arbitral mechanism recommended by the EPDP was intended to provide a structured avenue for challenging UDRP or URS decisions involving prevailing IGO complainants.

Currently, in addition to translating the EPDP recommendations, the revised text also expressly allows a Respondent, in proceedings initiated by an IGO complainant, to request arbitration before a UDRP or URS decision has been issued, subject to the IGO complainant's consent. This does not need to be stated since under the current Rules, all parties have the ability to agree to resolve domain name disputes through courts, arbitration, or other dispute resolution mechanisms, whether during or outside the UDRP/URS process, and whether IGOs are or are not concerned. We feel that this additional artificial right to respondents in an IGO complaint would only create confusion.

Secondly, we note that the provisions governing “Arbitral Proceedings involving IGO Complainants” are addressed in different instruments: under the **UDRP Rules** for the UDRP and under the **URS Procedure** rather than the URS Rules for the URS. We also observe certain differences in drafting between the two provisions, despite their intended application and underlying policy objective being substantially the same. For consistency, clarity, and ease of implementation, we recommend that these provisions be consolidated within the Rules for both the UDRP and URS and be aligned through a harmonized drafting approach.