
ICANN85 Mumbai | CF – GNSO: NCSG Constituencies Work Session
Tuesday, March 10, 2026 – 13:15 to 14:30 IST

ANDREA GLANDON

Hello, and welcome to the NCSG constituency work session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior, the ICANN Community Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct concerning statements of interest. Please observe the following guidelines to participate in this session.

I will also post them in the chat shortly for your reference. Only questions posted in the Zoom chat identified as a question will be read aloud during this session as time permits and when directed by the chair of this session. Please state your name for the record and speak clearly at a moderate pace. I will now hand the floor over to Rafik Dammak. You may begin.

RAFIK DAMMAK

Thanks, Andrea, and thanks everyone for joining us today for this third session for NCSG. For this one, it will be more about the constituencies, so it will be split between NPOC and NCUC. They have different agendas and will go through different topics, and we will get updates for them. This is the session for the constituencies to share their interests and the topics they would like to discuss. Without further delay, I will hand over to Juan, who will start the part for NPOC. Juan, please go ahead.

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JUAN MANUEL ROJAS

Thank you, Rafik. This is Juan for the record. I am acting as NPOC Chair this time. We are going to make this session, and we will have several topics. We have an update for the IGO-INGO IRT, and after that, I hope we have some questions for them. Following that, we have some administrative issues to share with our members and all NCSG members that are present or online. After that, we have an update from Kathy about the ICANN grant.

Before giving the floor to our guests from the IGO-INGO IRT, Zak and Brian, I would like to let you know that NPOC was created because this PDP existed. IGO and INGO concerns about this topic led to the creation of this PDP. I don't want to take more time from our guests. Zak and Brian, thank you for coming to provide this update.

ZAK MUSKOVICH

Thank you. Let me introduce myself. I'm Zak Muskovich. I'm on the IRT, and Brian Beckham to my right is also in the IRT. By way of context, thank you for the welcome; it is a pleasure to be here. We were asked to be here by staff because the staff person who has done a terrific job managing the IRT, Peter, couldn't be here today in person or online. He asked if any volunteers would be prepared to brief NPOC, and I volunteered Brian, and he volunteered me.

We are poorly equipped compared to the staff person who has been managing the entire process, but they did an amazing job

preparing a PowerPoint presentation, which is far too complicated for me to understand, let alone present to you. We have it here and can present the entire thing in a functional manner. However, we are equally prepared to focus on what you are most interested in regarding where the IGO process is, where it came from, the problems it was intended to address, and where it is going in the immediate future. We can do that instead; we are in your hands. PowerPoint or interactive session?

ANDREA GLANDON

Kind of both?

ZAK MUSKOVICH

[Laughs]

BRIAN BECKHAM

Thanks, Zak. This is Brian Beckham for the record. I want to echo what Zak said and thank the staff, especially Peter, who has done a good job of shepherding the work along. Could I ask that we go to slide six? I think you all have the slides. They are quite dense, so I do not think it is a good use of our time to read through the materials here in person. You can look at those in more detail if that is of interest.

I would like to set the scene briefly and then tell you a little bit about where we are today. If we could shift to slide six, the one that begins on June 24th. The IGO-INGO working group was chartered to address a problem that IGOs uniquely face when presented with

the question of whether to file a UDRP case. It is important to put this into context in terms of what an IGO is. I am personally not familiar with the concept of an INGO outside of this working group, but we all know NGOs or nonprofits. Nonprofits face no hurdles in filing a UDRP case.

IGOs, on the other hand, include organizations like the UN Office for the Coordination of Humanitarian Affairs, World Food Programme, UNHCR, UNICEF, International Organization for Migration, UN Relief and Works Agency, and the World Health Organization. WIPO, where I work, is also an IGO. IGOs are unique globally under international law and benefit from privileges and immunities, meaning they are not subject to national court jurisdictions. This is fundamental to their ability to undertake their humanitarian and public missions.

To file a UDRP case, a complainant must first show trademark rights. Because of international agreements under the Paris Convention, IGOs often do not have national trademark registrations. They have what is called a 6ter recordation, which is an entry into a database given to national IP offices. National IP offices often refuse applications from trademark owners for names or acronyms that correspond to an IGO identifier. They also would have to submit to court jurisdiction to file a UDRP case. In the UDRP, if a registrant is unhappy with the result, they can take it to a national court. IGOs would have to waive their privileges and immunities to do this.

The idea behind the working group was simple: to account for the Paris 6ter recordation of their identifiers and create a carve-out. Instead of forcing IGOs to waive their immunities, if one or both parties to a UDRP case involving an IGO are unhappy with the result, they would go to arbitration instead of a national court. We submitted the final report to the Council, which was approved and then approved by the Board. We are now in the implementation phase.

It is a straightforward issue. We are making small textual adjustments to the UDRP and the UDRP rules to account for these two adjustments. This allows IGOs to address instances where bad actors abuse their name recognition to set up websites providing fake information or soliciting donations intended for humanitarian causes. We are implementing this by making small textual amendments. The question now is whether we need to put those edits out for public comment. There is a difference of opinion in the implementation team on whether that is necessary, but there is zero disagreement as to what we are achieving. I am happy to field any questions.

JUAN MANUEL ROJAS

Thank you, Brian. Zak, do you want to add something?

ZAK MUSKOVICH

I have been practicing law for 26 years, and I find this topic very complex and difficult to follow. If anyone wants to admit that they

do as well, I will try to help them understand particular aspects of it. If everyone understands, then we are done.

ANDREA GLANDON

There are two hands up.

ZAK MUSKOVICH

Please go ahead.

JUAN MANUEL ROJAS

I am not seeing the hands.

ANDREA GLANDON

Pedro's hand is up first.

JUAN MANUEL ROJAS

Please, Pedro, go ahead.

PEDRO LANA

Pedro Lana for the record. I have two questions. The first is about the arbitration fora. Is it predetermined by another international organization that provides arbitration services? Second, can you summarize the arguments regarding whether the work should go to public comment? What is the discussion happening right now?

ZAK MUSKOVICH Why don't you answer the second question about public comments first, and then we will go to the first question.

BRIAN BECKHAM To be perfectly honest, I do not have a good answer to that question. This is an extremely narrowly framed issue, and there has been no disagreement in the implementation team as to any of the proposed edits staff are making to the UDRP. There is just a general idea that it would be good for housekeeping. There is absolutely zero disagreement as to what we are achieving and how to do it. This is really just a procedural question.

ZAK MUSKOVICH Pedro, could you give me the first question again?

PEDRO LANA If we are talking about arbitration jurisdiction instead of national jurisdiction, I was curious if the arbitration fora are predetermined international ones or if they can be brought to a national arbitration forum.

ZAK MUSKOVICH The purpose of the arbitration provision was to recreate the rights a domain name registrant has under the UDRP as best as possible. The UDRP has always allowed a complainant to submit to a court so a respondent can try to overturn a dispute. A registrant is also free to commence a court action at any time. It is a crucial

consideration that a respondent should have something that resembles a court process if they cannot go to court because an IGO is unwilling to give up state immunity.

The arbitration framework proposed through the PDP and implemented in the IRT describes general factors, such as the ability to have discovery and notice, which exist in robust court procedures. As for the provider, that has not been determined yet. I imagine it would go through the usual request for proposal process.

JUAN MANUEL ROJAS

Thank you both. Andrea, who is next? I see Kathy and Yao-Hua Ho have their hands raised. Yao-Hua Ho first?

ANDREA GLANDON

Yao-Hua Ho first, yes.

JUAN MANUEL ROJAS

Go ahead, Yao-Hua Ho.

YAO-HUA HO

Thank you very much. I had a similar question regarding how disputes are processed within this PDP, and I have some clarity now. Zak mentioned when an IGO organization has a domain used inappropriately for donations, what triggers the checks for this

process, and how is it managed? Does the arbitration process handle putting the domains down?

BRIAN BECKHAM

I cannot speak to exactly how IGOs become aware of these. Often, a user who was deceived reaches out to them. There are different ways the information gets to the IGO. The idea is they would file a UDRP case, a decision would be rendered by the panelist, and if found in their favor, the registrar would transfer the domain. If not, the registrant continues to hold it just like a normal UDRP case.

KATHY KLEIMAN

I have four questions, hopefully short. One, is there any appeal? Traditionally, there is an appeal to a local court. We created that access to local courts in 1999 for the UDRP. Have we created a level of appeal here?

ZAK MUSKOVICH

Let's do each in turn. That was an important consideration in the PDP that led to the IRT. As far as I know, the IRT does not have a mandate to implement an internal appeals mechanism.

BRIAN BECKHAM

Zak is thinking of UDRP review discussions about internal appeals, like the Nominet DRS system. The UDRP does not have that, but the appeal in this context is the arbitration. Instead of appealing in court, you appeal to an arbitration institution.

KATHY KLEIMAN

So there is a second tier?

BRIAN BECKHAM

Correct.

KATHY KLEIMAN

Thank you. For my next questions, what is the scope? Is it the full name of the IGO or are we protecting acronyms? We thought we solved this years ago. I have spent 20 years arguing with the WHO that they do not own the letters WHO, which is a pronoun registered for many legitimate purposes. Are they getting to own WHO now and throw people off their domains?

BRIAN BECKHAM

These are separate issues. Currently, there is a moratorium on the registration of IGO names and acronyms in new gTLDs pending this work. Once this curative rights mechanism is available, that moratorium will be lifted. This process just allows IGOs to file a curative case under the UDRP when faced with a bad faith infringement. It does not block a registrant from registering WHO.xyz for a band. They just need a means to address bad faith infringement without waiving their immunities.

KATHY KLEIMAN

Please put this out for public comment so those of us who could not participate can add thoughts.

BRIAN BECKHAM

Two working groups addressed this over the past ten years with multiple opportunities for public comment. It was approved by the Council and the Board. At this point, the concerns have been addressed and the policy is closed. We are in the implementation phase.

KATHY KLEIMAN

You may be right about the big picture, but having lived through 400 pages of SubPro and rights protection mechanism implementation, the words matter. We put out requests to see if implementation was right and got interesting comments about accessibility and principles. Even on something this important and unusual, I would put it out for the world to comment.

JUAN MANUEL ROJAS

Thank you, Kathy. I remember being part of the SubPro IRT where issues were raised about jurisdictional immunity and protection for strings. Many wanted stronger preventive protections to avoid misleading users. We were also advocating for small organizations with names similar to others. SubPro said that was not in their scope but belonged to the IGO-INGO IRT. Does the IRT think certain strings should have stronger protection, or can the scope be widened to other organizations?

BRIAN BECKHAM

This does not create new or additional rights for IGOs. It merely allows them to have access to the UDRP, which they currently do not have. Brand owners and NGOs of all sizes have zero hurdles when they want to file a UDRP. This just levels the playing field for IGOs.

KATHY KLEIMAN

The criticism is that this takes away rights of registrants. It takes away our access to courts to challenge these decisions. I would argue it does change rights, and that is critically important.

ZAK MUSKOVICH

I agree there was a whole controversy earlier on in the working group about just trying to find this balance. IGOs were concerned they could not use the UDRP like everyone else. Registrants suggested using an agent to avoid submitting to court jurisdiction, but IGOs were adamant about having the same access as everyone else without submitting to a foreign court system. Registrants argued that going to court is their safeguard.

How do you bridge the gap between IGOs who cannot subject themselves to a national court and registrants who will not give up their right to go to court? That was the entire policy discussion. Nobody is completely happy with the solution, as IGOs wanted final UDRP decisions and respondents lost their right to go to court, replaced by arbitration. If no one is happy, it is probably the right

solution. The IRT is in the final stages of implementing this complex balance, and we just want to get it over the finish line.

JUAN MANUEL ROJAS

Thank you, Zak and Brian. I need to move to the next topic as we are running out of time. Administrative issues: we already launched the CROP for ICANN 86. All members in the Europe region are encouraged to apply. Caleb, do you want to address the website update?

CALEB OGUNDELE

We are updating our website and social media. We discovered we do not have access to the control panel to upgrade the current WordPress PHP version, which is 7.4 and has been deprecated. We are currently on version 8.5. We hope to transfer the domain to a host where we have full control by May.

JUAN MANUEL ROJAS

We need to move our hosting to another provider. ICANN staff reminded me that we have expenses for this. We need to move fast before this fiscal year ends in June. Can anyone from the EC step forward to pay for this move, or are we waiting for the slow ICANN process?

ZAK MUSKOVICH

You mean pre-funding the purchase?

JUAN MANUEL ROJAS

Yes, we will need to pay for the new hosting.

ZAK MUSKOVICH

You are the Chair; you can manage it. Do you want to pay?

CALEB OGUNDELE

We can discuss this within the EC. The procedure usually involves a cash advance that ICANN reimburses after a receipt is submitted. I am willing to take it up if no one else steps up.

JUAN MANUEL ROJAS

Thank you. We can discuss this later.

ANDREA GLANDON

NPOC is out of time.

RAFIK DAMMAK

Now it is time for NCUC. It is up to Wisdom how he wants to manage it.

WISDOM DONKOR

Thank you, Rafik. To not waste time, we will go straight into the agenda. We will make sure we have enough time for the presentation covering both NCUC and NPOC. Welcome to everyone in the room and online for this membership session. We want to give updates on what we have been doing within NCUC. Ines is

currently not available, so we will move the membership update to AOB. Amin, you have three minutes.

AMIN HACHA

Hello everyone. Since ICANN 86 will be in Europe, we are working on NCUC outreach. The session will take around two hours. We have not fixed the date yet as we are waiting for the ICANN 86 agenda, which we expect in the next three weeks. I welcome your support and collaboration.

WISDOM DONKOR

We are trying to increase our membership base ahead of ICANN 86. Next, we had a webinar last month moderated by Theorose. She will give a brief summary. Theorose, you have three minutes.

THEOROSE ELIKPLIM DZINEKU

Good morning. My video will be off. The webinar on February 11th focused on DNS abuse mitigation and how policy could be put into practice. We had a diverse group from North America, Africa, and Iran. Key takeaways included the need for transparency in DNS abuse mitigation procedures and definitions. Panelists agreed that policies should account for regional differences rather than being implemented as a whole.

There must be a clear and accessible mechanism for implementation, such as specific institutions to address abuses cross-border. There was also a recommendation for digital literacy initiatives to help non-technical users avoid abuse. Finally,

mitigation should be consistent with human rights and freedom of expression. A full report will be available.

WISDOM DONKOR

The webinar was well-attended with about 70 to 80 participants. We hope to increase that number and ensure our presence globally. Namrata is unable to join, so Juliana will step in.

JULIANA HARSIANTI

After the webinar on DNS abuse mitigation, we are preparing for the next webinar on open source. The specific topic and date are still being discussed by the EC and will be announced on the mailing list.

PEDRO LANA

The open source topic is still open for suggestions. If you work with open source, please suggest specific topics or volunteer as a speaker. This is a call for action.

WISDOM DONKOR

We are looking at both a training for members and the webinar. Next, Pedro will discuss plans and strategy.

PEDRO LANA

This is another call for action. We reviewed the operating procedures last year, and Section 10 states the EC will provide regular updates to membership on activities and decisions. We fill

a tracking document every four months. We also have a work plan updated at each EC meeting. Membership should keep track of our activities and hold us accountable. This year, we are focusing on outreach, membership growth, and increasing involvement in policy activities.

TAPANI TARVAINEN

I have a question about NCUC priorities. NPOC is changing their hosting, and I know the NCUC website is in even worse shape. Is there a schedule to revamp it?

WISDOM DONKOR

We are in a similar situation as NPOC. We are working on it and the website should be up before ICANN 86. Andrea, I hope we are doing well on time. Is Ines online?

INES HFAIEDH

Yes, I am. Hi everyone. Many people ask how to join NCUC but cannot find a link. Like Tapani noted, we have a hosting issue with our website, so it is sometimes inaccessible. To join NCUC, you must first apply to join NCSG. I am pasting the link now. In the application, you choose to be an individual or organization member and state your non-commercial intentions and uses. I will also paste our brochure. I am available for questions online.

CALEB OGUNDELE

To manage costs, it might be good to have a single host for everyone, though that creates a single point of failure where if one site is down, they all are.

WISDOM DONKOR

We can discuss that later. Next is Kathy. We have 23 minutes, so we can give you ten.

KATHY KLEIMAN

Thank you. I love this joint meeting. Let's talk about the ICANN Grant Program. This is about a specific problem and how it is being solved in Chile. When you register a gTLD, you are bound by ICANN consensus policies, including the UDRP. Where can registrants go for help responding to a UDRP complaint? This is common, such as when a domain overlaps with a trademarked term like Ford or Apple used for non-commercial purposes.

A trademark owner chooses an ICANN-accredited provider, like WIPO. You get 20 days to respond. The trademark owner must show the domain is confusingly similar, that you have no legitimate interest, and that it was registered in bad faith. But you might not get the notice, or it might not be in your language. You may never have heard of the UDRP or WIPO. Our members serve communities that depend on these web pages for services and fundraising.

Margarita Valdez, the general counsel of NIC Chile, saw good faith registrants in .cl losing their domains. She reached out to Chilean law schools to create a legal clinic where students help people

under professor supervision. By bringing students in, the success rate for good faith registrants in .cl went from less than 20% to over 60%. We have the same problem at ICANN with a high default rate at WIPO for gTLDs.

We applied for an ICANN grant to use law students around the world to help registrants. The team includes Humberto Carrasco, Margarita Valdez, Javier Maestro, Chris Reed, and me. We are setting up an online course and writing materials. The project runs from 2025 to 2027. We want to improve UDRP outcomes for good faith registrants and create open-access resources. This is about fairness and equal access to justice. We need to reach law schools and communities to let them know these services exist.

We launched the project in Coquimbo, Chile, on December 2nd. ICANN org has asked us to send a survey about this presentation. I will send it out over the NPOC and NCUC lists. Thank you for your time.

WISDOM DONKOR

Thank you, Kathy. You are on point and on time. We have interventions. Benjamin, your hand is up.

BENJAMIN AKINMOYEJE

Is this project only for lawyers, or can others be part of it?

KATHY KLEIMAN

It is currently envisioned as a legal clinic in law schools, but anyone can represent themselves in a UDRP. A group could use the same educational materials to help their community. Good idea.

KEN HERMAN

This is an exciting initiative. How will people know about these services? How can we help? It goes beyond what we can reach as there are commercial stakeholders who could benefit. There is also the question of means testing and language access. Having reviewed the UDRP, I can see the need.

FIDIA MERIA

What was the most challenging and interesting part of starting this project? Was it reaching out to students or planning the achievements?

KATHY KLEIMAN

We are still in the challenging phase of creating teaching materials. The greatest challenge will be letting the world know we exist. How do you tell the owners of 200 million gTLDs that there are services to help them within a 20-day response time? It feels overwhelming, but we are taking it one step at a time.

WISDOM DONKOR

Can developing countries benefit from this? In the developing world, people are most vulnerable.

KATHY KLEIMAN

That is exactly what we are targeting. We need help expanding from Latin America into Africa. That is why I am here to include your ideas and guidance so we can plant these seeds early. We will look for more funding after two years.

WISDOM DONKOR

NCUC will collaborate with you to make it a success. Next is AOB. Ken?

KEN HERMAN

It has been about six months since we implemented the NCSG short-term policy fellowship. I have not heard an update on the eight-month project. I would like to put it on the agenda for a special meeting to get feedback on the initiative.

RAFIK DAMMAK

We got funding from PIR, but it took more time than planned to rework the proposal and select a fellow. We selected one fellow and are reviewing the initial deliverable and supporting the drafting. We are assessing the outcome. We need to plan for next year's budget. It will likely be someone else's responsibility as my term ends in October, but the plan is to speed up and get better output.

BENJAMIN AKINMOYEJE NCUC needs to address the website downtime. We cannot afford to have it down.

WISDOM DONKOR We will discuss this after the meeting. Andrea will give an update on ICANN 86.

ANDREA GLANDON A reminder that ICANN 86 will be a policy forum, so it is only four days. Keep that in mind for sessions. Planning begins when we get back. The first production call is the week of March 23rd, so think about these things quickly.

WISDOM DONKOR Thank you, Rafik, for bringing us all together. I hand over to you.

RAFIK DAMMAK Thanks, Wisdom and Juan. The purpose of this session was to have both constituencies share updates together to avoid silos. Having everyone in the same room helps interaction and avoids repetition. We did well and will continue this for future meetings. We can close the meeting one minute early. Thanks, everyone. You can stop the recording.

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