

The RySG discussed the IOC/RC issues on our list and in our call today. Here is our position.

We support the J. Scott compromise:

1. Recommend that the GAC recommendation for reserving IOC/RC names at the second level in the first round of new gTLDs pending results of a PDP covering IGO names, IOC/RC names and any other related names. This would provide a back stop if the PDP does not finish in time and would also eliminate the argument that the GNSO is just choosing this approach as a way of avoiding the issue.
2. Communicate to the GAC:
  - a. That the GNSO recommends a PDP be initiated as soon as possible to cover IGO names, IOC/RC names any other related names
  - b. A rationale for that position with a particular emphasis on pointing out the things that could be accomplished via a PDP and that would be difficult to adequately do so otherwise. (Note that the RySG will provide some recommendations in this regard and welcomes contributions from others.)
  - c. That the GNSO welcomes feedback from the GAC as soon as possible on this position.
  - d. That sincere efforts will be made to expedite the PDP; note that the work that has already been done on this issue should facilitate the process.
3. In the meantime, the discussion group should quickly develop the rationale referenced in step 2.b above and communicate its recommendations to the GNSO Council.

If more explanation is needed, hopefully the group will allow Jeff to take off his chair hat temporarily and answer questions or add clarity.

Chuck

**From:** [owner-gnso-iocrc-dt@icann.org](mailto:owner-gnso-iocrc-dt@icann.org) [<mailto:owner-gnso-iocrc-dt@icann.org>] **On Behalf Of** Brian Peck  
**Sent:** Thursday, August 23, 2012 9:17 PM  
**To:** [gnso-iocrc-dt@icann.org](mailto:gnso-iocrc-dt@icann.org)  
**Subject:** [gnso-iocrc-dt] IOC/Red Cross DT: Proposed Narrowing of Options

Drafting Team Members:

The discussion during yesterday's DT meeting/call resulted in a proposal for all DT members to consider and consult with their respective constituencies with regard to narrowing down the current 6 options for moving forward in responding to the GAC proposal to provide special additional protections for the RCRC/IOC names at the second level, and revising those remaining options to take into account the proposed approach from the RySG and further discussions during yesterday's DT call.

Attached is the summary document of the current 6 options for moving forward and accompanying comments. Please find below the proposed narrowing down of options to the following two:

- 1) Develop recommendations to respond to the GAC proposal by suggesting extending protection for the following provided there is an exception procedure for allowing names in to-be-defined circumstances: (Current Option #3 in attached doc)
  - a) All RCRC and IOC names
  - b) All RCRC names but no IOC names

***Pending the results of a broader PDP*** which would include consideration of special protections for IOC and RCRC names (Current Option #5 in attached doc)

2) RySG Suggested Approach:

- a. Communicate to the GAC that Discussion Group Option 5 (PDP) is the GNSO's starting position for second-level names of the RCRC and IOC in the first round of new gTLDs: "Consider possible additional protections for the RCRC/IOC as part of a broader PDP initiative on the protection of names for international organizations"
- b. Provide a rationale for this position
  - Possible reasons could include but need not be limited to the following:
    - i. Reserving names for the IOC or RC could set excessive precedents and motivate unlimited numbers of other organizations to see special protections even though the GAC did a commendable job of trying to narrowly qualify the organizations for which names would be reserved.
    - ii. Lots of input has been received since the GAC request that makes it less clear that the list of organizations could be sufficiently narrow.
    - iii. National laws vary regarding their implementation of international treaties including variances about what exceptions are made.
    - iv. Existing rights protection mechanisms can be used by the IOC and RC just like other organizations who have rights to names.
    - v. Reserving the finite list of names recommended by the GAC opens the door to expanding that list to include acronyms, similar strings, etc., and these become even more problematic from an operational and policy perspective.
    - vi. There are organizations besides the IOC and RC that have legitimate rights to some of the GAC recommended strings.
    - vii. The complexities of this issue warrant a thorough vetting in a GNSO multi-stakeholder, bottom-up PDP and, because of the complexities and competing interests, a PDP may not be able to be completed before new gTLDs are delegated.
- c. Give the GAC the opportunity to address the concerns expressed in the rationale (i.e., 'fill in the holes').

Yesterday's meeting proposed **removing from further consideration the following options:**

Option 1: Maintain the status quo and not provide any new special protections for the RCRC/IOC names (i.e., no changes to the current schedule of second-level reserved names in the new gTLD Registry Agreement).

Option 2: Develop recommendations to respond to the GAC proposal by suggesting extending protection for:

- a. All RCRC and IOC names
- b. All RCRC names but no IOC names
- c. All IOC names but no RCRC names
- d. All RCRC names but only a subset of IOC names
- e. All IOC names but only a subset of RCRC names
- f. A subset of RCRC names and a subset of IOC names

Option 3: Develop recommendations to respond to the GAC proposal by suggesting extending protection for the following provided there is an exception procedure for allowing names in to-be-defined circumstances:

- c. All IOC names but no RCRC names
- d. All RCRC names but only a subset of IOC names
- e. All IOC names but only a subset of RCRC names
- f. A subset of RCRC names and a subset of IOC names

Option 4: Thomas Rickert withdrew this proposal

Option 6: Ask ICANN General Counsel's office to conduct a legal analysis to substantiate/verify whether there is clear evidence of treaty law and/or statutes that would require registries and registrars to protect IOC and RCRC names by law.