

RySG Suggested Approaches (8 Aug. Email from Chuck Gomes)

There has been a lot of discussion about the various IOC/RC Discussion Group approaches in the RySG the past several weeks including in the last two teleconference meetings. In the meeting today, a somewhat new approach gained quite a bit of traction and I will try to describe it here:

a. Communicate to the GAC that Discussion Group Option 1 is the GNSO's starting position for second-level names in the first round of new gTLDs: "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)."

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.

- The work of the IOC/RC discussion group should be reviewed to identify other reasons.

- The RySG is ready and willing to contribute to better refining the rationale if there is support for this approach.

c. Give the GAC the opportunity to address the concerns expressed in the rationale (i.e., 'fill in the holes').

Many in the RySG would not be disappointed if, even without a PDP, the above resulted in a GNSO recommendation of Discussion Group Approach 3.a: “Develop recommendations to respond to the GAC proposal by suggesting extending protection for all of the GAC recommended IOC and RCRC names provided there is an exception procedure for allowing names in to-be-defined circumstances.” But we believe that justification for doing it based on current information has too many weaknesses at this time.