

Non-Commercial Stakeholder Group Input

Protection of IGO and INGO Identifiers in all gTLDs Working Group

Process

- Please identify the member(s) of your Stakeholder Group who are participating in this Working Group
[Robin Gross](#), [Avri Doria](#), [Mary Wong](#), [Wolfgang Kleinwachter](#), [Wendy Seltzer](#)
- Please identify the members of your Stakeholder Group who participated in developing the perspective(s) set forth below
In addition to the above, [David Cake](#), [David Operbeck](#), [Konstantinos Komaitis](#)
- Please describe the process by which your Stakeholder Group arrived at the perspective(s) set forth below
[Teleconferences and the NCSG Policy Committee mailing list.](#)

Questions to Consider:

1. What kinds of entities should be considered for Special Protections at the top and second level in all gTLDs (existing and new)?

Group View:

[Those groups who are not able to protect their interest via existing measures because they lack legal protections, but are otherwise legitimately entitled to preference over all other users of a tld could be granted privileges to correct the gap in protection. In short, only where there has been shown to be a gap in existing protection mechanisms should additional privileges be considered.](#)

2. What facts or law are you aware of which might form an objective basis for Special Protections under International Treaties/Domestic Laws for IGOs, INGOs as they may relate to gTLDs and the DNS?

Group View:

[There may be some groups who have a significant presence on the Internet and have direct contact with the public for fundraising purposes and are not afforded trademark protection for the use of their names. It is in those cases, the WG should consider in detail to ascertain who has legitimate rights but is not able to effectuate those rights given existing RPMs.](#)

3. Do you have opinions about what criteria should be used for Special Protection of the IGO and INGO identifiers?

Group View:

[There should be a number of criteria dealing both with qualifications of the requesting organization and also the inability for the organization to protect their legitimate interest via existing means.](#)

4. Do you think there are substantive differences between the RCRC/IOC and IGOs and INGOs?

Group View:

There are significant substantive distinctions between RCRC, IOC and IGOs and INGO's. It is not appropriate for these groups to be lumped together since they vary significantly in their ability to protect their interest, the degree to which they engage in fundraising activity on the Internet, and the degree to which their primary purpose is public interest or commercial interests. Additionally, there is a widely varying legal basis for privileging some of the words and so it is inappropriate to consider them as similarly entitled.

5. Should appropriate Special Protections at the top and second level for the identifiers of IGOs and INGOs be made?

Group View:

It has not been shown that special privileges are warranted at either the top or second level. The burden rests on those seeking special privileges to demonstrate that existing measures are inadequate and the harm suffered by the group is unique to them (not a harm faced by any organization in that position). Since no specific problem has been identified that needs fixing, no special privileges are warranted.

6. In addition, should Special Protections for the identifiers of IGOs and INGOs at the second level be in place for the initial round of new gTLDs?

Group View:

Same as immediately above.

7. Should the current Special Protections provided to the RCRC and IOC names at the top and second level of the initial round for new gTLDs be made permanent in all gTLDs and if not, what specific recommendations for appropriate Special Protections (if any) do you have?

Group View:

The initial round privileges created by the board of directions was in contravention to previous GNSO policymaking working group recommendations, so was not appropriate in the first place. These restrictions should be lifted. Even if there is found to be a need and legal basis for additional privileges for the RCRC and IOC as part of this policy process, the current existing restrictions were not developed based on that process and should be replaced with mechanisms that are.

8. Do you feel existing RPMs or proposed RPMs for the new gTLD program are adequate to offer protections to IGO and INGOs (understanding that UDRP and TMCH may not be eligible for all IGOs and INGOs)?

Group View:

Existing RPMs are adequate for the new gTLD program (and even go too far in privileging trademark rights at the expense of other legitimate interests).