

PROPOSED DRAFT TEXT OF RECOVERED WORKING GROUP RECOMMENDATIONS – FOR DISCUSSION & FINALIZATION

Prepared by ICANN staff for Working Group discussion (5 June 2018)

I. Recommendations addressing the Proposed Amendments sent to the Reconvened WG by the GNSO Council

The following recommendations address the details of the proposed amendments listed in the GNSO Council's May 2017 resolution reconvening the WG [INSERT LINK]. In summary, the Reconvened WG agrees that protection at the second level of the domain name system via reservation of the full names of the various Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies must be based on a finite list of these names, be on an exact match basis, and with an exception procedure to be put in place for the protected organization should it wish to register those specific names.

Recommendation #1:

The Reconvened WG confirms the GNSO Council's proposed amendment as outlined in its [resolution](#) in May 2017, whereby an agreed definitive list of the full names of the 191¹ Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement, as further elaborated under the Recommendation Details below. The full, final definitive list of these names, along with specific, limited variants of these names determined in accordance with a set of criteria agreed by the WG (see Recommendations #4-6 below) and the applicable languages for which each name is to be reserved can be found in Attachment [] of this report. Third party registrations at the second level of exact matches of any name or variant on the definitive list (as may be updated periodically pursuant to Recommendations #4-6 below) will not be permitted. For the avoidance of doubt, the applicable languages are: (a) for Red Cross National Societies, English (unless indicated otherwise) and the applicable official language(s) of their respective states of origin (as indicated on the list); and (b) for the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, in English and the six official languages of the United Nations.

The Reconvened WG came to [full consensus] for this recommendation.

Recommendation Details:

Following the WG's agreement on an appropriate legal basis for protections of the Red Cross names under consideration in all gTLDs by the WG (see deliberation details in Section 3 below), it was understood that there are a few variations in how ICANN's Registry Agreements make reference to a schedule of reserved names. Those gTLDs that were delegated pursuant to the 2012 New gTLD Program refer to this schedule as Specification 5; however, gTLDs delegated prior to 2012 (and for which the registry agreements were renewed before 2014) use a different reference method. For example, a similar schedule of reserved names in the registry agreement applicable to the [.COM](#) gTLD is referred to as [Appendix 6](#). As such, the Reconvened WG confirms that all references to a "Specification 5" in this context in relation to those gTLDs delegated prior to the 2012 New gTLD Program refer also to the equivalent schedules and appendices applicable to those registry agreements.

¹ As of 1 June 2018 (see Recommendations #4-6 below for the WG's recommendations for handling additions, deletions and other changes to the list).

Commented [A1]: TBD

-Consensus - a position where only a small minority disagrees, but most agree

-Strong support but significant opposition - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.

-Divergence (also referred to as No Consensus) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.

-Minority View - refers to a proposal where a small number of people support the recommendation. This can happen in response to a Consensus, Strong support but significant opposition, and No Consensus; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals

The WG also notes that the current Specification 5 for gTLDs delegated pursuant to the 2012 New gTLD Program already contains a list of identifiers for Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies that were placed under reservation on a temporary basis by the ICANN Board in [INSERT DATE & LINK]. This interim list of reserved names and the relevant DNS labels will need to be either replaced or reconciled with the definitive list of identifiers (as finalized by the Reconvened Working Group and approved by the GNSO Council and ICANN Board as a result of this policy amendment process) during the implementation process. The definitive list proposed by the Reconvened WG can be found as Attachment [] to this Initial Recommendations Report.

Recommendation #2:

The Reconvened WG confirms the GNSO Council's proposed amendment as outlined in its [resolution](#) of May 2017 whereby an exception procedure is to be put in place for cases where the relevant Red Cross organization wishes to apply for their protected string(s) at the second level.

The Reconvened WG came to [full consensus] for this recommendation.

Commented [A2]: TBD

Recommendation Details:

The Reconvened WG understands that an exception procedure has already been created with the implementation of the [Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy](#) (approved by the ICANN Board in April 2014 in relation to certain specific IGO and INGO names, but not including those Red Cross names under consideration by this Reconvened WG) with an effective date of 1 August 2018. The Reconvened WG believes that the same process should apply to those Red Cross names to be reserved as a result of its work and as such does not expect that any changes to the current exception procedure will be required in order to implement reservations protection for these additional Red Cross names.

Recommendation #3:

The Reconvened WG recommends that error corrections, additions to and deletions of any entries in the definitive list of reserved names and their agreed variants be made only in accordance with the criteria developed by the WG and listed in Recommendation #4-6 below.

Commented [MW3]: While this recommendation may seem duplicative in view of Recs 4-6 below, staff suggests including it for clarity.

Recommendation Details:

The Reconvened WG has conducted deliberations on the type and extent of changes that can be made to the definitive list it has developed. The criteria agreed on by the WG as a result of these deliberations were based substantially on initial criteria proposed by, and consultations with, representatives of the Red Cross who participated in the WG's discussions. As a result, the WG believes that these criteria address both GAC advice provided to date on the topic and the demonstrated need for certain protections for Red Cross names, while ensuring sufficient certainty for ICANN's Contracted Parties and the general public as well as a clearly defined methodology for changes to the reserved name list.

II. Additional Recommendations in relation to the Scope of the Red Cross Names to be Reserved

The following recommendations address: (a) the criteria that was agreed on to determine the scope of the definitive list of Red Cross names that is being proposed for reservation; and (b) the nature of the authority and timing for future changes (if any) to the definitive list.

Recommendation #4:

The Reconvened WG recommends that future changes (if any) to the definitive list of Red Cross National Societies created as a result of this policy amendment process be made only in accordance with the following

criteria. These criteria were also applied to the creation of the current definitive list included as Attachment [] to this report.

The Reconvened WG came to [full consensus] for this recommendation.

Commented [A4]: TBD

Recommendation Details:

The variant criteria to be applied to any future changes to the definitive list of reserved names were developed in consultation with representatives of the Red Cross who participated in the WG's deliberations and were based on initial suggestions provided by these representatives. These criteria are listed in full below and are to be applied in consultation with the respective National Societies. No other criteria are to be used for determining changes to the definitive list:

Commented [MW5]: The list and bullet points that follow are what was sent to the WG for discussion; they may need to be updated following WG agreement on outstanding matters.

Permitted Variants, in English:

- Acronyms & Initials: Not included²
- Articles & Prepositions:
 - **"The"**: List includes names both with, and without, the definitive article "the" (e.g. "The Finnish Red Cross" and "Finnish Red Cross")
 - **"Of"**: Listed only when the word is part of the specific name in question and includes the words "Red Cross" or "Red Crescent" (e.g. "Red Cross of Laos" and "Red Crescent of Brunei")³
- Descriptive word + society name + "Red Cross":
 - **"Association"**: Only when part of the specific name in question and including the words "Red Cross"⁴ (e.g. "Association of the Belgian Red Cross" and "Brazilian Red Cross Association")⁵
- Descriptive word + society name + "Red Crescent":
 - **"Authority"**: Only when part of the specific name in question and including the words "Red Crescent"⁶ (e.g. "Emirati Red Crescent Authority")⁷
- Descriptive word + society name + "Red Cross" or "Red Crescent":
 - **"Headquarters"**: Only when part of the specific name in question and including the words "Red Cross" or "Red Crescent" (e.g. "Red Cross Society of China Headquarters"⁸)
 - **"National"**: Only when part of the specific name in question and including the words "Red Cross" or "Red Crescent" (e.g. "Peruvian Red Cross National Society", "The Jordan National Red Crescent Society")
- Descriptive word + country name + society name + "Red Cross" or "Red Crescent":
 - **"Democratic"**: Only when part of the country name as well as the specific name in question, and including the words "Red Cross" or "Red Crescent" (e.g. "Democratic People's Republic of Korea Red Cross"⁹)

² Note that for the British Red Cross Society requests were also made for "Red Cross UK" and "The Red Cross UK".

³ Note that for "The National Society of the Panamanian Red Cross" the request is for the Spanish version only, and not the English-language version.

⁴ The spreadsheet submitted by the Red Cross representatives, as of April 2018, did not contain any names that combined "Red Crescent" and "Association".

⁵ Note that for the "Brazilian Red Cross Association" the request is for the Portuguese version only, and not the English-language version.

⁶ The spreadsheet submitted by the Red Cross representatives, as of April 2018, did not contain any names that combined "Red Cross" and "Authority".

⁷ Note that for Saudi Arabia, the request for "Red Crescent Authority" is for the Arabic version only, and not the English-language version.

⁸ This term appears only twice on the Red Cross representatives' spreadsheet, submitted in April 2018, both in respect of the English name of the Chinese Red Cross societies.

⁹ The only other country where the term "Democratic" is used is in reference to the Democratic Republic of the Congo.

- **“Republic”**: Only when part of the country name as well as the specific name in question, and including the words “Red Cross” or “Red Crescent” (e.g. “The Republic of San Marino Red Cross Society”, “Red Crescent of The Republic of The Maldives”)
- The word **“Society”**:
 - List includes names both with, and without, the word “Society” (e.g. “Peru Red Cross” and “Peru Red Cross Society”)

Permitted Variants in Languages other than English¹⁰:

- Acronyms & Initials: No
- The standalone words “Red Cross”, “Red Crescent”
- Translations and/or transliterations which are direct translations or otherwise accurate transliterations of the relevant name in English
- The words “Association”, “Headquarters”, “National”, “Republic”, “Society” etc.: the same rule to be applied as in its English form (i.e. only as part of the specific name in question and including the words “Red Cross” or “Red Crescent”)

Additional Criteria:

- The first letters of the words included in a National Society name is to be capitalized only in accordance with national grammar rules (e.g. "Croix-Rouge du Tchad"; "Croix-Rouge tchadienne")
- “Official name” means the name of a National Society as it appears in the National Society's Recognition Act and/or in the National Society's own statutory or constitutional base texts.
- “Commonly used names”¹¹ mean the names by which a National Society is commonly known (as it might appear for instance as part of the National Society's logo or on the National Society's website).
- “Official languages” mean the official languages of the relevant state of origin of the National Society. This should exclude in principle dialects or regional/minority languages (unless a good case is to be made for an exception – e.g. where the lingua franca in the country or in parts thereof is different from the State's official language or languages).

Commented [MW6]: Staff has prepared a document listing the criteria above as well as more “Remaining Issues” for WG discussion; those “remaining issues” have not been added to this list of draft recommendations pending WG discussion.

Recommendation #5:

The Reconvened WG recommends that any and all future changes to the definitive list be made only upon notification to ICANN organization and the confirmation, by official representatives of the Red Cross Movement, to the effect that: (a) the proposed changes have been communicated to the GAC as well as the GNSO Council; (b) any new National Societies to be added to the list have been recognized in accordance with all the applicable rules and procedures of the Red Cross Movement; and (c) any proposed deletions from the list are based on the cessation of operations of that National Society or its removal from the movement in accordance with all applicable rules and procedures of the Red Cross Movement.

The Reconvened WG came to [full consensus] for this recommendation.

Commented [A7]: TBD

Recommendation Details:

The Reconvened WG understands that a procedure to make changes has already been created with the implementation of the [Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy](#) (approved by the ICANN Board in April 2014 in relation to certain specific IGO and INGO names, but not including those Red Cross names under consideration by this Reconvened WG) with an effective date of 1 August 2018. The Reconvened WG believes that the same process should apply to changes to the reserved list developed for

¹⁰ In some cases, a country's list of names was submitted for inclusion in more than one language – e.g. China (in both simplified and traditional Chinese), Haiti (in both French and Spanish).

¹¹ In some cases, requests included references to the people of a country as well, e.g. Greece/Hellenic, Netherlands/Dutch.

Red Cross National Society names and as such does not expect that any changes to the current change procedure will be required other than the notification requirements specified in this Recommendation #5.

The Reconvened WG also understands that the GAC is the authoritative channel for any proposed changes that are to be made to the reservation list.

The Reconvened WG suggests that the International Federation of Red Cross and Red Crescent Societies may wish to determine a point in their process by which new National Societies are formed and approved, but possibly prior to publication, where notification can be sent to and processed by the GAC, GNSO and the ICANN Org such that the relevant identifiers can be protected to minimize front-running registration of said identifiers. The Reconvened WG understands and acknowledges, however, that such a step is outside of ICANN's remit and the scope of this policy process; as such, its adoption is purely dependent on the Red Cross' relevant internal processes.

Recommendation #6:

The Reconvened WG recommends that a proposed correction of any errors (e.g. in translation or spelling) in the definitive list of reserved names be made only through the submission of a formal request to ICANN Organization by official representatives of the Red Cross describing in detail the nature of the error and the specific correction to be made in the form of a direct replacement to the erroneous entry. The ICANN Organization shall have the right to refer the request to the GAC or otherwise conduct an investigation into the accuracy of the correction sought.

The Reconvened WG came to [full consensus] for this recommendation.

Commented [A8]: Awaiting outcome of WG discussion on this point.

Commented [A9]: TBD