

At-Large Protection of International Olympic Committee (IOC) / Red Cross Names (RCRC) Drafting Team – Recommendations Workspace

Comment Close Date	Statement Name	Status (Please click "Adopted" to download a copy of the Final Statement)	Assignee (s) and RALO(s)	Call for Comments	Call for Comments Close	Vote Announcement	Vote Open	Vote Reminder	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
19.10.2012	Protection of International Olympic Committee (IOC) / Red Cross Names (RCRC) Drafting Team – Recommendations	No Statement	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Brian Peck, Margie Milan policy-staff@icann.org	n/a

Comment/Reply Periods (*)		Important Information Links
Comment Open:	28 September 2012	
Comment Close:	19 October 2012	
Close Time (UTC):	23:59 UTC	Public Comment Announcement
Reply Open:	20 October 2012	To Submit Your Comments (Forum)
Reply Close:	9 November 2012	View Comments Submitted
Close Time (UTC):	23:59 UTC	Report of Public Comments

Brief Overview	
Originating Organization:	GNSO
Categories /Tags:	<ul style="list-style-type: none"> • Top-Level Domains • Second-Level Domains • Policy Process • Intellectual Property
Purpose (Brief):	The IOC/RCRC Drafting Team (DT) requests community comment on the latest recommendations created for second level protections of names relating to the International Olympic Committee and the Red Cross/Red Crescent.
Current Status:	Open for Public Comment
Next Steps:	The Drafting Team's recommendations will be updated to reflect community feedback submitted through this forum and via final agreement of the Drafting Team members. Final recommendations will then be presented to the GNSO Council for its consideration.
Staff Contact:	Brian Peck, Margie Milan
Email:	Policy-staff@icann.org

Detailed Information
Section I: Description, Explanation, and Purpose <p>As a result of IOC/RCRC being granted top level protections for the first round of the new gTLD program, the IOC/RCRC Drafting Team was further tasked to consider whether the same protections should be afforded at the second level prior to the first delegation of a new gTLD. Since the beginning of 2012, the IOC/RCRC Drafting Team (DT) has deliberated about possible second level protections and how to respond to the GAC's request for protections. The DT now submits the recommendations formulated by the DT and makes them available for public comment before final submission to the GNSO Council.</p> <p>Note from the IOC/RCRC Drafting Team Chair: These recommendations are being posted at the request of the Drafting Team. Although some members of the Drafting Team believe that a PDP is not necessary at this time to grant second level protections for the IOC/RCRC, a consensus of the DT does in fact agree that a PDP represents an appropriate compromise on this issue. With respect to the Recommendations #2 and #3 (temporary protection at second level), there is strong support amongst the Drafting Team for those recommendations with opposition from the Non-commercial Stakeholder Group and Thomas Rickert. A copy of statements from certain constituencies, stakeholder groups, and/or individuals is attached as appendices to the recommendations.</p>
Section II: Background

The ICANN Board had requested policy advice from the GNSO Council and the GAC on whether special protections should be afforded to the RCRC, IOC and/or IGOs. Specifically, in its Singapore resolution, the Board authorized the President and CEO to implement the New gTLD Program "which includes the following elements: "the 30 May 2011 version of the Applicant Guidebook, subject to the revisions agreed to with the GAC on 19 June 2011, including: ...(b) incorporation of text concerning protection for specific requested Red Cross and IOC names for the top level only during the initial application round, until the GNSO and GAC develop policy advice based on the global public interest....."

During September 2011, the GAC also sent advice to the GNSO with a proposal for granting second level protections based upon the protections afforded to IOC/RCRC at the first level. In the same month, section 2.2.1.2.3 was added to the latest version of the new gTLD Applicant Guidebook dated 19 September 2011.

As a result of the GAC proposal submitted to the GNSO, the GNSO Council created a call for volunteers to form a drafting team about creating a response to the GAC. The IOC/RCRC Drafting Team was formed has since created a set of recommendations for protecting the IOC/RCRC names at the second level and includes an outline for a response to the GAC from the GNSO. The Drafting Team now wishes to solicit feedback from the community prior to submission of the recommendations to the GNSO Council.

See the IOC/RCRC Drafting Team page for more detail at: <http://gns0.icann.org/en/group-activities/red-cross-ioc.htm>

Section III: Document and Resource Links

[IOC/RCRC Drafting Team Recommendations Report](#) [PDF, 152 KB]

Section IV: Additional Information

None

() Comments submitted after the posted Close Date/Time are not guaranteed to be considered in any final summary, analysis, reporting, or decision-making that takes place once this period lapses.*

Background Information

In resolution NG2012.09.13.01 The Board New gTLD Committee inquired about Global Public Interest concerns affecting a decision to grant special second level protections to the IOC and the IFRC with regard to new gTLDs. This advice from ALAC addresses some of those global public interests.

First and foremost grouping IOC and IFRC for special treatment is inappropriate. Both IOC and IFRC consider their case to be sui generis, and indeed the arguments that would serve to favor one of this pair, e.g. the IFRC due to its standing based on the Geneva Convention the reasons would not pertain to the other, IOC. On the other hand if one were to look at the broader reasons for supporting special treatment one would find that the category of those organizations to be considered much larger as it would need to include not only IGOs, who have repeatedly made their case through ICANN's processes, and other UN based humanitarian efforts. If ICANN is going to respond to the needs of humanitarian diplomacy in the broader sense, it must be inclusive.

Another issue concerns the role ICANN in deciding which organizations deserve such special treatment and which do not. Whenever ICANN does make policy decisions on such matters, it has a set of established processes, the PDP, that guarantee that the fullest extent possible of global public interest is taken into account. For the Board, or the GNSO for that matter, to bypass this procedure is any decision arbitrary.

In order to meet its obligations in this matter ICANN must immediately embark on a proper PDP to establish a policy in time for the release of new gTLDs. This PDP must also consider the application of these protections to incumbent gTLDs, as it is clear that the continuing threat to the purposes of the IFRC, the IOC and other humanitarian efforts comes from activities in the incumbent gTLDs. Any moratorium to be established in the meantime should only be done voluntarily by the applicants for new gTLDs, and the Board should request that the applicants consider such action.

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The statement is intended to:

- 1) Be concise (no more than a page or two)
- 2) Primarily target the Board, not the GNSO
- 3) Deal with the proposed mechanisms, including PDPs and temporary lists
- 4) Address the foolishness of combining the IOC and RC, as a warning about ICANN's positioning itself to make judgements about groups worthy of protection (and who isn't)
- 5) Suggest an alternate robust method to protect non-trademarked public-interest names.

avri 20/09/2012 17:48

sure. can i / should i mention the broader scope of the question? and keeping things short is my specialty - long is tough.

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From Alan:

Here are supporting documents related to that effort:

WIPI-2 Report - <http://www.wipo.int/amc/en/processes/process2/report/index.html>

WIPO-2 Summary - <http://archive.icann.org/en/committees/JWGW2/WIPO2-note.pdf>

ALAC Comment on WIPO-2 - <http://www.atlarge.icann.org/correspondence/comment-wipo-13may03.htm>

Issue Report - June 2007 - <http://gns0.icann.org/issues/igo-names/issues-report-igo-drp-15jun07.pdf>

Staff Report on a Draft IGO Domain Name Dispute Resolution Procedure - September 2007 - <http://gns0.icann.org/drafts/gns0-igo-drp-report-v2-28sep07.pdf>

IPC Proposal - December 2007 - <http://gns0.icann.org/drafts/igo-domain-name-drp-28nov2007.pdf>

Relevant GNSO Council meetings

<http://gns0.icann.org/en/meetings/agenda-24may07.html>

<http://gns0.icann.org/en/meetings/minutes-gns0-20nov07.html>

<http://gns0.icann.org/en/meetings/minutes-gns0-20dec07.html>