

At-Large Preliminary GNSO Issue Report on the Protection of International Organization Names in New gTLDs Workspace

Comment/Reply Periods (*)		Important Information Links			
Comment Open:	4 June 2012				
Comment Close:	25 June 2012				
Close Time (UTC):	23:59			Public Comment Announcement	
Reply Open:	26 June 2012			To Submit Your Comments (Forum)	
Reply Close:	16 July 2012			View Comments Submitted	
Close Time (UTC):	23:59	Report of Public Comments			
Brief Overview					
Originating Organization:	ICANN Policy Department				
Categories/Tags:	Policy Processes				
Purpose (Brief):	ICANN staff is seeking community input on the Preliminary GNSO Issue Report on the Protection of International Organization Names in new gTLDs [PDF, 566 KB].				
Current Status:	This Report is designated as "preliminary" to allow for community input and dialogue prior to the publication of the Final Issue Report.				
Next Steps:	The Preliminary Issue Report will be updated to reflect community feedback submitted through this forum. A Final Issue Report will then be presented to the GNSO Council for its consideration.				
Staff Contact:	Margie Milam	Email:	policy-staff@icann.org		
Detailed Information					
Section I: Description, Explanation, and Purpose					
<p>ICANN staff is seeking community input on this Preliminary Issue Report which is being published in response to a request by theGNSO Council for an issue report as a required preliminary step before a PDP may be commenced on the topic of whether ICANNshould provide additional protections to the names of certain international organizations at the first and second levels for names introduced through the New gTLD Program. In its motion requesting this Issue Report, the GNSO Council specified that the Issue Report should: 1) Define the type of organizations that should be evaluated in any related PDP for any such special protection at the top and second level; and 2) Describe how the PDP could be structured to analyze whether ICANN should adopt policies to protect such organizations at the top and second level.</p> <p>In addition to other elements of this Issue Report, the ICANN community is encouraged as part of the public comment forum to comment on whether a PDP – if initiated, should be focused on additional protections for: (i) only international organizations that are not-for-profit AND are afforded unique protections under international treaties or national laws in multiple jurisdictions, and/or (ii) all international governmental organizations.</p>					
Section II: Background					
<p>Issues related to whether certain international organizations such as Intergovernmental Organizations ("IGOs"), the Red Cross/Red Crescent Movement ("RCRC") and the International Olympic Committee ("IOC") should receive special protection for their names at the top level and second level in new gTLDs have been raised throughout the development of the New gTLD program.</p> <p>The ICANN Board has 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 GACdevelop policy advice based on the global public interest....."</p> <p>In addition, the ICANN Board, on 11 March 2012, in response to a letter from the OECD and other IGOs seeking that ICANN provide protections similar to those afforded to the RCRC and IOC and a pre-emptive mechanism to protect their names at the second level, formally requested that the GNSO Council and the GAC provide policy advice on the IGO's request.</p> <p>With regard to providing special protections for the RCRC and IOC names, during the Dakar Meeting on 27 October 2011, the GNSOCouncil convened an informal drafting team to focus on the narrower issue of whether the RCRC and the IOC should receive special protections beyond those currently afforded to them in the Applicant Guidebook. This drafting team, known as the IOC-RC Drafting Team, was convened to respond to the Board's 20 June 2011 Singapore resolution with regard to the protection of names of the RCRC and the IOC during the first round of applications (the "Singapore resolution") and in particular, to a subsequent GAC proposal to permanently protect the RCRC and IOC names at both the top and second levels.</p> <p>The IOC-RC Drafting Team produced a set of recommendations that were published for public comment on 2 Mar 2012, and were subsequently modified during the March 2012 Costa Rica ICANN Meeting before adoption by the GNSO Council at its special meeting on 26 March 2012. These recommendations, which were forwarded to the ICANN Board for consideration, are described in greater detail on Annex 3 to this Report.</p> <p>At its 10 April 2012 meeting the ICANN Board's New gTLD Program Committee considered the GNSO recommendations but decided not to change the Applicant Guidebook. In its rationale for this resolution, the Committee observed that although "the GNSO's recommendations were well taken, the Committee opted for preserving the status quo. As protections already exist, when balanced with the accountability and operational issues posed by changing the Applicant Guidebook at that time, the Committee noted that "the public interest will be better served by maintaining the status quo.... Nothing in the Committee's action or this rationale is intended to preclude the consideration of the GNSO recommendations for future rounds of applications within the New gTLD Program."</p> <p>The Preliminary Issue Report recommends that the GNSO Council should consider whether or not to initiate a PDP as an approach to develop any additional policy advice in response to Board requests on the topic of whether to create additional protections to only certain types of international organizations in new gTLDs.</p>					

Section III: Document and Resource Links
Preliminary Issue Report [PDF, 566 KB] Report of Public Comments on Proposal to Protect International Red Cross and International Olympic Committee Names at the Top Level in New gTLDs [PDF, 284 KB] The ICANN Board Resolution from the Singapore Meeting The GAC letter concerning the protection of IOC/RCRC names [PDF, 1.05 MB] The Questions & Answers concerning the protection of IOC/RCRC names [PDF, 229 KB] The IGO letter to the Board [PDF, 157 KB] The Board letter to the GNSO and GAC on the IGO issue [PDF, 222 KB] The GNSO Council response to the Board's letter on the IGO issue [PDF, 105 KB]
Section IV: Additional Information
Links to relevant background documents and resources are provided in the Preliminary Issue Report

(*) 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.

Draft ALAC Comment on the Preliminary GNSO Issue Report on the Protection of International Organization Names in New gTLDs.

<<Background: This comment is a departure from related ALAC statements. It's origin was Beau Brendler's comment during the Prague meeting that previous ALAC statement rejecting all special protection for Red Cross in particular did not factor in issues related to consumer fraud. It was drafted by Alan Greenberg with the active involvement of Evan Leibovitch and Holly Raiche. Any ALAC statement must be posted no later than July 16, 2012.>>

The ALAC believes that IGOs should receive protection for their internationally recognized names comparable to the protection available to trademark owners.

Regarding protection at the top level, the ALAC does not see any great need given the various comment and objection mechanisms available. Moreover, the ALAC strongly advocates that in future TLD rounds, all new TLDs (and not only Community-based TLDs) be contractually required to adhere to the general use of the proposed TLD outlined in their application (with provision for amendment in an open and transparent way).

At the second level, the ALAC is particularly sympathetic to granting additional protection to reduce the possibility of domain names aimed at defrauding unsuspecting consumers or being used in phishing or similar illicit activities. The ALAC concern is largely focused on organizations with a charitable profile such as the Red Cross or UNICEF. The ALAC would be similarly sympathetic to extending such protection to other charities, although how this would be implemented is unclear. Moreover, the ALAC can see the benefit of extending such second level protection to include protections wider than just exact matches of the protected strings for the above organizations. The ALAC is mindful of the potential difficulty of implementing such protections and would work diligently with any group formed to address the issue.

That notwithstanding, the ALAC is also concerned with such protection impacting fair use of names (ie although it may be an extreme example, red-cross.sucks).

Lastly, although this Issue Report was triggered due the GAC request to protect the Red Cross and Olympic names, followed by a request from 26 IGOs, it is troubling that the Preliminary Issue Report estimates that there may be over 5,000 IGOs and 35,000 other non-profits which might be considered for eligibility to additional protections. ICANN and certainly the GNSO do not have the resources or ability to even list such groups, never mind judge eligibility.

[Please click here to download a copy of the final draft](#)

