

At-Large Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs Workspace

Comment Close Date	Statement Name	Status	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
11.10.2013	Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs	Adopted 12Y, 0N, 0A	Alan Greenberg (NARALO)	22.10.2013	25.10.2013 12:00	25.10.2013 23:00	25.10.2013 23:00	31.10.2013	01.11.2013 23:00	01.11.2013	Mary Wong policy-staff@icann.org	AL-ALAC-ST-1113-01-01-EN

Comment / Reply Periods (*)

Comment Open Date:

20 September 2013

Comment Close Date:

11 October 2013 - 23:59 UTC

Reply Open Date:

12 October 2013

Reply Close Date:

1 November 2013 - 23:59 UTC

Important Information Links

[Public Comment Announcement](#)

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Brief Overview

Originating Organization:

GNSO

Categories/Tags:

- Policy Processes

Purpose (Brief):

The Generic Names Supporting Organization ("GNSO") Policy Development Process Working Group is tasked with addressing the issue of Protecting the identifiers of certain International Governmental Organizations ("IGOs") and International Non-Governmental Organizations ("INGOs") in all gTLDs and they have published its draft Final Report for public comment.

Current Status:

The GNSO Policy Development Process Working Group ("PDP WG") on the Protection of IGO and INGO Identifiers in all gTLDs has published this draft Final Report and is soliciting community input on the policy recommendations currently under consideration by the PDP WG. This draft Final Report has also been submitted to the GNSO Council on 20 September 2013.

Next Steps:

Following the review of and taking into account the public comments received during this Public Forum, the PDPWG will modify the report and/or policy recommendations as outlined in the draft Final Report and that agreed upon by WG members prior to submission to the GNSO Council.

Staff Contact:

Mary Wong

[Email Staff Contact](#)

Detailed Information

Section I: Description, Explanation, and Purpose:

In its draft Final Report the PDP WG provides background information on the issues related to the protection for certain International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO) (including the Red Cross Red Crescent Movement ("RCRC") and International Olympic Committee ("IOC")) identifiers. The report also includes a summary of the Working Group's deliberations with respect to the issues defined in the WG's Charter.

Most importantly, the Recommendations section of this draft Final Report presents a list of proposed policy recommendations currently being considered by the PDP WG, for the protection of certain IGO and INGO identifiers in all gTLDs. The proposed policy recommendations for the protection of certain IGO and INGO identifiers presented in this draft Final Report are delineated by the organizations seeking protection and within each sub-set, both top and second level protections are considered. Current WG consensus levels, per the GNSO Working Group Guidelines, are also included with each recommendation.

The IGO-INGO WG is specifically looking for input to Section 5 of this draft Final Report:

- Recommendations per Organization (RCRC, IOC, IGO, INGO), Sections 5.1 to 5.4
- General recommendations, Section 5.5
- Principles of implementation on incumbent gTLDs, Section 5.6
- Exception procedures, Section 5.7

Section II: Background:

For a detailed background and history of the issue on whether to protect certain IGO and INGO identifiers including the RCRC and IOC prior to the initiation of this PDP, please see the [Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs](#) [PDF, 674 KB]. The Issue Report was initiated as a result of a recommendation by the GNSO Drafting Team formed to provide a GNSO Council response to the Board and GAC on the protection of IOC and RCRC names in new gTLDs. After community review, the scope of the Final GNSO Issue Report included an evaluation of whether to protect the names of both international government and non-government organizations at the top level and second level in all gTLDs.

At its October meeting last year, the GNSO Council considered the Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs, and approved a motion to initiate a Policy Development Process ("PDP") for the protection of certain international organization names and acronyms in all gTLDs. The Working Group ("WG") was formed on 31 October 2012 and the WG Charter was approved by the GNSO Council on 15 November 2012. The decision was taken in this context to subsume the issues of the IOC and Red Cross Red Crescent designations and names under the new PDP WG process.

As part of its deliberations, the PDP WG was required under the WG Charter to consider the following questions:

1. Whether there is a need for special protections at the top and second level in all existing and new gTLDs for the names and acronyms of the following types of international organizations: International Governmental Organizations (IGOs) protected by international law and multiple domestic statutes, International Non-Governmental Organizations (INGOs) receiving protections under treaties and statutes under multiple jurisdictions, specifically including the Red Cross/Red Crescent Movement (RCRC), and the International Olympic Committee (IOC). In deliberating this issue, the WG should consider the following elements:
 - Quantifying the Entities to be Considered for Special Protection
 - Evaluating the Scope of Existing Protections under International Treaties/National Laws for IGO, RCRC and IOC Names
 - Establishing Qualification Criteria for Special Protection of International Organization Names
 - Distinguishing Any Substantive Differences Between the RCRC and IOC From Other International Organizations
2. If there is a need for special protections at the top and second level in all existing and new gTLDs for certain international organization names and acronyms, the PDP WG is expected to develop policy recommendations for such protections. Specifically, the PDP WG should:
 - Determine whether the current special protections being provided to RCRC and IOC names at the top and second level of the initial round of new gTLDs should be made permanent for RCRC and IOC names in all gTLDs and if not, develop specific recommendations for the appropriate special protections for these names.
 - Develop specific recommendations for appropriate special protections for the names and acronyms of all other qualifying international organizations.

Section III: Document and Resource Links:

[Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs](#) [PDF, 676 KB]

Section IV: Additional Information:

- [Protection of IGO and INGO Identifiers in All gTLDs Page](#)
- [Protection of IGO and INGO Identifiers in All gTLDs Wiki](#)
- [Protection of International Olympic Committee / Red Cross Names DT Page](#)

(*) 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.

FINAL VERSION TO BE SUBMITTED IF RATIFIED

Please [click here](#) to download a copy of the PDF below.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

This ALAC Statement is intended to serve the triple purpose of being a reply to the Public Comment on the Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs, an ALAC Minority Statement to be attached to the Final Report (modified as necessary based on the content of the Final Report compared to the draft version), and a Statement of Advice to the ICANN Board.

The ALAC has made a number of statements on the protection of IGO and INGO names, and has participated actively in all GNSO activities related to this topic. Our views specific outcomes of this PDP are at the end of this statement.

Given the wide range of views expressed in this paper, and noting that nothing presented here has received the unanimous support of the PDP Working Group, the ALAC would like to take this opportunity to comment on the nature of the Recommendations as well as identify the principles that have guided its positions.

The Draft Final Report includes a wide variety of "Recommendations" reflecting widely disparate levels of consensus. Not a single one was agreed to by all WG members (Full Consensus), a level of support that is more typical of most GNSO PDPs. For many, the WG views are Divergent [Footnote: In one case, the views were represented as being "divergent" where in fact there was a strong consensus that the Recommendation NOT be implemented.]. It is unclear to the ALAC exactly how the GNSO and then the Board is supposed to treat such a mixed and confusing set of outcomes. Moreover, even if only the Recommendations with some level of consensus were implemented, there is no assurance that they form a cohesive and consistent set of policies.

The ALAC is particularly concerned that granting blocking-level protections may prohibit other reasonable uses of the same strings, and is not satisfied that the exception procedures outlined in the report would be effective.

This being the case, it may be important to consider the principles that guided the ALAC, in our participation in the activities that led to this report, and that the ALAC believes should guide ICANN in considering any special protections.

1. ICANN should grant special protection to organizations that further the public interest and in particular, those with a strong track record of humanitarian activities. However, such protections should only be granted where there is a history or reasonable expectation that the lack of protections would lead to the misrepresentation of the organizations, fraud, deliberate confusion, or other malfeasance.
2. Such protections, when granted, should not unreasonably impinge on the ability of others with a valid right to use the protected string, from registering such names for uses which do not negatively impact the protected organization nor use to the protected name with the intent to deceive users. Formal trademarks should not be necessary to demonstrate such a right. [Footnote: Although not a gTLD, cern.ca is a good example. The Centre d'exposition de Rouyn-Noranda in northern Quebec has no connection or even a vague relationship with the Conseil

Européen pour la Recherche Nucléaire, but they do happen to share an acronym. In the gTLD space, Olympic.diy is a prime example of a new registration that might not be allowed under the proposed rules even though the TLD (diy = Do-it-yourself) is a logical registration for Olympic Paints.]

3. The procedures used to grant the protection exceptions identified in number 2 must be both inexpensive and fast.
4. No top level protections are necessary. Existing or new objection processes are sufficient.

ALAC Positions on Draft Recommendations

Red Cross Red Crescent Movement (RCRC) Recommendations

#	Recommendation	Level of Support	ALAC
	<ul style="list-style-type: none"> • Scope 1 Identifiers: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) • Scope 2 Identifiers: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)*** 		
1	Top-Level protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus	Can live with
2	Top-Level protections of <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence	Can live with
3	Top-Level protections of <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence	No
4	For <i>Red Cross Red Crescent Movement</i> identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the Top-Level , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	Consensus	Can live with
5	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in Specification 5 of the Registry Agreement	Consensus	Support
6	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in Specification 5 of the Registry Agreement	Divergence	Support
7	Second-Level protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in Specification 5 of the Registry Agreement	Divergence	No
8	For <i>Red Cross Red Crescent Movement</i> identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Second-Level	Consensus	Support
9	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are bulk added as a single list to the Trademark Clearinghouse (TMCH)**	Consensus	Support
10	Second-Level protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are bulk added as a single list to the Trademark Clearinghouse**	Consensus	Support
11	<i>Red Cross Red Crescent Movement</i> Scope 2 identifiers, if added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> phase of each new gTLD launch for Second-Level registrations	Consensus	Support

International Olympic Committee (IOC) Recommendations

#	Recommendation	Level of Support	ALAC
	<ul style="list-style-type: none"> • Scope 1 Identifiers: olympic, olympiad (Language: UN6, + German, Greek, and Korean)** 		
1	Top-Level protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Olympic Committee</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus	No
2	For <i>International Olympic Committee</i> identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the Top-Level , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	Consensus	No
3	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Olympic Committee</i> are placed in Specification 5 of the Registry Agreement	Consensus	No, since exceptions for other orgs not mentioned
4	For <i>International Olympic Committee</i> identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Second-Level	Consensus	No

International Governmental Organizations (IGO) Recommendations

#	Recommendation	Level of Support	ALAC
	<ul style="list-style-type: none"> • Scope 1 Identifiers: GAC List (22 March 2013) - Full Name (Language: Up to two languages) • Scope 2 Identifiers: GAC List (22 March 2013) - Acronym (Language: Up to two languages) 		
1	Top-Level protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Governmental Organizations</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus	Can live with
2	Top-Level protections of <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>International Governmental Organizations</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence	No
3	For <i>International Governmental Organizations</i> Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the Top-Level , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	Consensus	No, since exceptions for other orgs not mentioned
4	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Governmental Organizations</i> are placed in Specification 5 of the Registry Agreement	Consensus	Can live with
5	Second-Level protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>International Governmental Organizations</i> are placed in Specification 5 of the Registry Agreement	Divergence	No
6	For <i>International Governmental Organizations</i> identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Second-Level	Consensus	Can live with
7	Second-Level protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>International Governmental Organizations</i> are bulk added as a single list to the Trademark Clearinghouse**	Strong Support but Significant Opposition	Support
8	<i>International Governmental Organizations</i> Scope 2 identifiers, if added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> phase of each new gTLD launch for Second-Level registrations**	Consensus	Support

International Non-Governmental Organizations (INGO) Recommendations

#	Recommendation	Level of Support	ALAC
	<ul style="list-style-type: none"> • Scope 1 Identifiers: ECOSOC List (General Consultative Status) (Language: English only) • Scope 2 Identifiers: ECOSOC List (Special Consultative Status) (Language: English only) <p>***Note, this list of Identifiers are INGOs other than the RCRC and IOC</p> <ul style="list-style-type: none"> • See http://csonet.org/content/documents/E2011INF4.pdf 		
1	Top-Level protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Non-Governmental Organizations</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus	Can live with
2	Top-Level protections of <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>International Non-Governmental Organizations</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence	Can live with
3	For <i>International Non-Governmental Organizations</i> Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the Top-Level , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	Consensus	Can live with
4	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Non-Governmental Organizations</i> are placed in Specification 5 of the Registry Agreement	Divergence	Support
5	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>International Non-Governmental Organizations</i> are placed in Specification 5 of the Registry Agreement	Divergence	Can live with
6	For <i>International Non-Governmental Organizations</i> identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Second-Level	Consensus	Can live with
7	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 1 (unless otherwise reserve protected) & Scope 2 identifiers of the <i>International Non-Governmental Organizations</i> are bulk added as a single list to the Trademark Clearinghouse (TMCH)	Consensus	Support
8	Second-Level protections of only <u>Exact Match, Acronym</u> Scope 1 (unless otherwise protected) & Scope 2 identifiers of the <i>International Non-Governmental Organizations</i> are bulk added as a single list to the Trademark Clearinghouse	Divergence	Support
9	<i>International Non-Governmental Organizations</i> Scope 1 (unless otherwise protected) & Scope 2 identifiers, if added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> phase of each new gTLD launch for Second-Level registrations	Consensus	Support

General Recommendations

#	Recommendation	Level of Support	ALAC
1	The WG recommends that the respective policies are amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections based on their identified designations.	Consensus	Support
2	IGO-INGO organizations be granted a fee waiver (or funding) for objections filed against applied-for gTLDs at the Top-Level	Divergence	Support
3	IGO-INGOs allowed to participate in <u>Sunrise</u> phase of each new gTLD launch	Strong Support but Significant Opposition	Support
4	Fee waivers or reduced pricing (or limited subsidies) for registering into the Trademark Clearinghouse the identifiers of IGO-INGO organizations	Divergence	Support, BUT ONLY IF OTHER TMCH USERS DO NOT PAY FOR THIS SUBSIDY
5	IGO-INGOs allowed to participate in <u>permanent Claims Notification</u> of each gTLD launch	Divergence	Support, BUT ONLY IF APPLICABLE TO TRADEMARKS AS WELL
6	Fee waivers or reduced pricing for IGO-INGOs filing a URS or UDRP action	Divergence	No

FIRST DRAFT SUBMITTED

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The ALAC has made a number of statements on the protection of IGO and INGO names, and has participated actively in all GNSO activities related to this topic. Our views specific outcomes of this PDP are detailed at <http://forum.icann.org/lists/gns0-igo-ingo/msg00909.html> and will not be restated here.

Given the wide range of views expressed in this paper, and noting that nothing presented here has received the unanimous support of the PDP Working Group, the ALAC would like to take this opportunity to comment on the nature of the Recommendations as well as identify the principles that have guided its positions.

The Draft Final Report includes a wide variety of "Recommendations" reflecting widely disparate levels of consensus. Not a single one was agreed to by all WG members (Full Consensus), a level of support that is more typical of most GNSO PDPs. For many, the WG views are Divergent [Footnote: In one case, the views were represented as being "divergent" where in fact there was a strong consensus that the Recommendation NOT be implemented.]. It is unclear to the ALAC exactly how the GNSO and then the Board is supposed to treat such a mixed and confusing set of outcomes. Moreover, even if only the Recommendations with some level of consensus were implemented, there is no assurance that they form a cohesive and consistent set of policies.

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1. ICANN should grant special protection to organizations that further the public interest and in particular, those with a strong track record of humanitarian activities. However, such protections should only be granted where there is a history or reasonable expectation that the lack of protections would lead to the misrepresentation of the organizations, fraud, deliberate confusion, or other malfeasance.
2. Such protections, when granted, should not unreasonably impinge on the ability of others with a valid right to use the protected string, from registering such names for uses which do not negatively impact the protected organization nor use to the protected name with the intent to deceive users. Formal trademarks should not be necessary to demonstrate such a right. [Footnote: although not a gTLD, cern.ca is a good example. The Centre d'exposition de Rouyn-Noranda in northern Quebec has no connection or even a vague relationship with the Conseil Européen pour la Recherche Nucléaire, but they do happen to share an acronym. In the gTLD space, Olympic.diy is a prime example of a new registration that might not be allowed under the proposed rules even though the TLD (diy = Do-it-yourself) is a logical registration for Olympic Paints.]
3. The procedures used to grant the protection exceptions identified in 2. must be both inexpensive and fast.

Note: Footnotes shown in [square brackets] will be moved to actual footnotes in the final document.