

ALAC Correspondence on the Protection of IGO and INGO Identifiers in All gTLDs (PDP) Recommendations for Board Consideration 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
18.12.2013	ALAC Correspondence on the Protection of IGO and INGO Identifiers in All gTLDs (PDP) Recommendations for Board Consideration	SUBMITTED	<ul style="list-style-type: none"> Alan Greenberg (NARA LO) Evan Leibovich (NARA LO) 	n/a	n/a	n/a	n/a	n/a	n/a	09.01.2014	Mary Wong policy-staff@icann.org

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Comment / Reply Periods (*)

Comment Open Date:
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 18 December 2013 - 23:59 UTC
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 19 December 2013
 Reply Close Date:
 8 January 2014 - 23:59 UTC

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Brief Overview

Originating Organization:
 GNSO
 Categories/Tags:

- Contracted Party Agreements
- Policy Processes

Purpose (Brief):

To obtain community input on the recommendations recently adopted by the GNSO Council concerning the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process prior to their consideration by the ICANN Board of Directors.

Current Status:

The IGO-INGO PDP Working Group delivered its [Final Report](#) [PDF, 645 KB] to the GNSO Council on 10 November 2013. The WG's consensus recommendations as contained in the report were adopted unanimously by the GNSO Council on 20 November. As required by the ICANN Bylaws, public notice is hereby provided of the policies under consideration as well as an opportunity to comment on their adoption, prior to their consideration by the ICANN Board.

Next Steps:

ICANN Staff will prepare a summary of the public comments received that will be submitted to the Board in conjunction with those IGO-INGO Identifier Protection recommendations that were adopted by the GNSO Council.

Staff Contact:

Mary Wong
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Detailed Information

Section I: Description, Explanation, and Purpose:

The Generic Names Supporting Organization (GNSO) unanimously approved at its meeting on 20 November 2013 the consensus recommendations of the IGO-INGO PDP Working Group, which are now pending Board action. The GNSO Council recommends that a series of identifier protections at the top and second level be granted to International Governmental Organizations (IGO), the Red Cross Red Crescent movement (RCRC), the International Olympic Committee (IOC), and other International Non-Governmental Organizations (INGO). The detailed recommendations can be found in the [Final Report](#) [PDF, 645 KB], with a summary provided within the [GNSO Council motion](#). In short, the recommendations cover the following dimensions:

- Application to existing gTLDs, the current round of new gTLDs, and future rounds of new gTLDs
- The full name and acronym of the organizations seeking protection, specified in a limited list of identifiers
- Translation of protected identifiers in a certain specified number of languages other than English
- Top level reservation of full names denoted as "strings ineligible for delegation" with an exception procedure to be devised
- Second level reservation of full names within Registry Agreements with an exception procedure to be devised
- No reservations either at the top or second level for acronyms
- Access to the Trademark Clearinghouse (TMCH) for those full names and acronyms not reserved, for a 90-days claims notification process
- IGO and INGO access to curative rights protection mechanisms such as the Uniform Dispute Resolution Policy and Uniform Rapid Suspension procedure to be examined through an Issue Report preceding a possible PDP
- The formation of an Implementation Review Team to assist with implementation should the Board adopt the GNSO recommendations

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](#) [PDF, 675 KB] on the Protection of International Organization Names in New gTLDs. The Issue Report was initiated as a result of a recommendation by the GNSO Drafting Team that was formed in October 2011 to provide recommendations to the GNSO Council in response to ICANN Board and Government Advisory Committee (GAC) requests concerning protection of IOC and RCRC names in new gTLDs. After community review, the scope of the Final GNSO Issue Report included a recommendation that the GNSO evaluate whether the names of IGOs and INGOs at both the top level and second levels should be protected in all gTLDs.

At its meeting in October 2012, 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 approved by the GNSO Council on 15 November 2012. The GNSO Council also decided to subsume the issue regarding protection for RCRC and IOC identifiers into the new PDP WG discussions.

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.

On 14 June 2013 the IGO-INGO PDP Working Group published its [Initial Report](#) [PDF, 609 KB] for public comment. On 20 September 2013 the Working Group published its [draft Final Report](#) [PDF, 676 KB] for public comment, incorporating feedback received in response to its Initial Report. On 10 November 2013 the Working Group published its [Final Report](#) [PDF, 644 KB] and sent it to the GNSO Council, incorporating feedback received in response to its draft Final Report. The Working Group's Final Report includes supplemental documentation in the form of Minority Statements from various Working Group members and their respective constituencies, including IGOs and INGOs who may be affected by the recommendations under consideration.

Section III: Document and Resource Links:

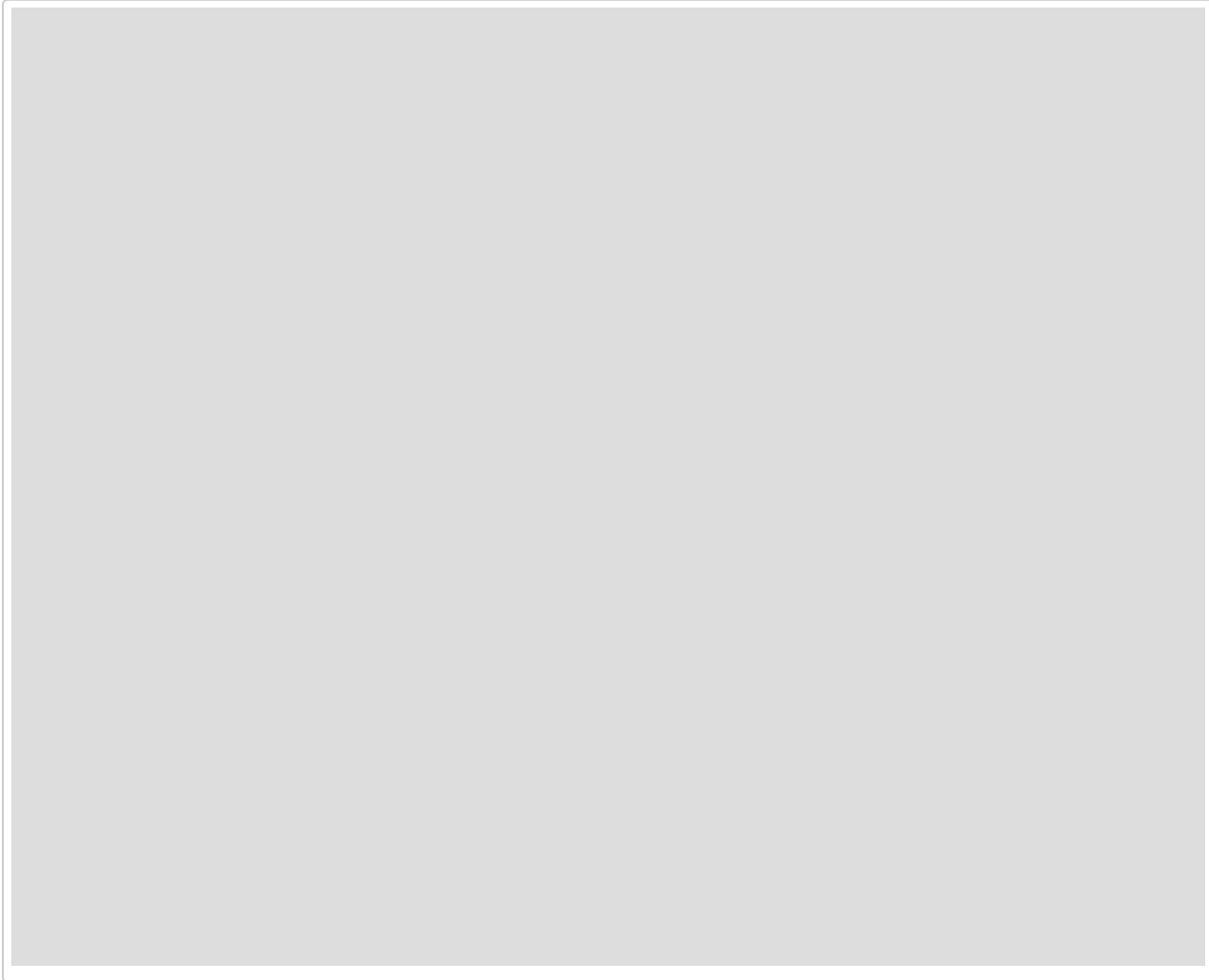
- [Final Report on Protection of IGO and INGO Identifiers in All gTLDs](#) [PDF, 645 KB]
 - [Supplement A – Minority Positions](#) [PDF, 216 KB]
 - [Supplement B – WG Consensus Call Tool](#) [PDF, 203 KB]
 - [Supplement C – Public Comment Review Tool](#) [PDF, 385 KB]
 - [Supplement D – Red Cross Red Crescent Societies Identifier List](#) [PDF, 616 KB]
- [Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs](#) [PDF, 676 KB]
- [Initial Report on Protection of IGO and INGO Identifiers in All gTLDs](#) [PDF, 609 KB]
- [Protection of International Olympic Committee / Red Cross Names DT Page](#)
- [IGO-INGO Webpage](#)
- [IGO-INGO Workspace](#)

Section IV: Additional Information:

N/A

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

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 on specific outcomes of this PDP are reflected in the Final Report.

Given the wide range of views expressed in this report, and noting that nothing presented 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 some reflecting a WG Consensus (as defined by the GNSO Working Group Guidelines) some with an even weaker level of support. 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 of the recommendations originally considered by the WG and strongly supported by some, the overall participant views were Divergent. The collection of Recommendations with Consensus level or Strong support, taken as a whole, does not form a cohesive and consistent set of policies. Although each individual Recommendation received sufficient support, the net result is a set of Recommendations that may be incomplete and perhaps even conflicting.^{0F[1]}

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 procedure options outlined in the report could meet the targets that the ALAC believes are mandatory.

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 the protected name with the intent to deceive users. Formal trademarks should not be necessary to demonstrate such a right.^{1F}^[2]
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.

[1] As an example, there may be cases where a strong protection is not recommended, but the recommendations may be silent on weaker forms of protection.

[2] Although not a gTLD registration, 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.

FIRST DRAFT SUBMITTED

The ALAC has commented on the Protection of IGO and INGO Identifiers in all gTLDs PDP Recommendations in its Statement Ref. [AL-ALAC-ST-1113-01-02-EN](#).

The ALAC raised a number of issues which were in fact changed in the Final Report. The ALAC's final Statement on this Report is therefore contained in the ALAC's minority Statement included in the Report itself.

It should be noted that this minority Statement also serves as formal Advice from the ALAC to the Board.