



Governmental Advisory Committee

14 September 2011.

Stéphane Van Gelder
Chairman of the GNSO Council

RE: Protecting the International Olympic Committee and Red Cross/Red Crescent Names in New gTLDs.

Dear Mr. Van Gelder,

Considering the Board's Resolution in Singapore that called on the GNSO and the GAC to work together on the protection of the International Olympic Committee and Red Cross/Red Crescent names, and following the previous GAC Statement of support to these organizations' requests for protection, the GAC has elaborated advice in the form of the enclosed Proposal, which I submit for the GNSO Council's consideration.

The GAC's proposal characterizes protection of the Red Cross and IOC names at the second level as an implementation aspect of the new gTLD program, consistent with existing registry contracts.

The GAC looks forward to receiving the GNSO Council's early response on the proposal.

Thank you for your consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Heather Dryden", is written over a light blue horizontal line.

Heather Dryden
Chair, Governmental Advisory Committee
Senior Advisor to the Government of Canada

Attachment: GAC Proposal to the GNSO Re: Protecting the IOC and Red Cross/Red Crescent Names in New gTLDs.

**GAC PROPOSAL TO THE GNSO RE:
PROTECTING THE INTERNATIONAL OLYMPIC COMMITTEE
AND RED CROSS/RED CRESCENT NAMES
IN NEW GTLDS**

Proposal: ICANN should amend the new gTLD Registry Agreement to add a new schedule of second-level reserved names. The new schedule should reserve those terms most directly associated with the International Olympic Committee (IOC) and the International Red Cross and Red Crescent Movement - terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world. These reserved names are provided in the attached Schedule A. This proposal is intended to complement the permanent protection of Olympic and Red Cross words to be implemented at the top level.

Rationale and Basis for Joint GAC/GNSO Support:

- The proposal is based on the unique tapestry of legal protections provided to the Red Cross and Red Crescent Movement through the Geneva Conventions,¹ and to the IOC through the Nairobi Treaty on the Protection of the Olympic Symbol², and through laws in multiple national jurisdictions. A representative listing of the national jurisdictions providing protection to Red Cross/Red Crescent and the IOC is provided in the attached Schedule B.
- The proposal is limited to the International Red Cross and Red Crescent Movement and the International Olympic Committee. No other international not-for-profit or non-governmental organizations have been afforded this threshold of protection at both the international and national levels.
- Protection of the Red Cross/Red Crescent names strongly furthers the global public interest of protecting innocent people from malicious conduct, by ensuring the continued security and stability of the operations of the world's largest humanitarian organization and its delivery of the essential humanitarian services, such as preparing for and responding to disasters and helping those in distress during times of peace and war.

¹ Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Geneva Convention No.I), Aug. 12, 1949, 6 UST 3114, TIAS No. 3362, 75 UNTS 31; Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (Geneva Convention No.II), Aug. 12, 1949, 6 UST 3217, TIAS No. 3363, 75 UNTS 85; Geneva Convention Relative to the Treatment of Prisoners of War (Geneva Convention No.III), Aug.12, 1949, UST 3316, TIAS No. 3364, 75 UNTS 135; Convention Relative to the Protection of Civilian Persons in Time of War (Geneva Convention No. IV), Aug.12, 1949, 6 UST 3516, TIAS No. 3365, 75 UNTS 287.

² WIPO Nairobi Treaty Protection of the Olympic Symbol, September 26, 1981, <http://www.wipo.int/treaties/en/ip/nairobi/>

- Protection of the words Olympic and Olympiad advances the global public interest of assisting the IOC and its National Olympic Committees in fulfilling the non-profit mission of the Olympic movement, which strives to place sport in the service of peace, human development, education, sustainable development, and health and gender equality.
- The proposal can be incorporated into the new gTLD registry agreements purely as an implementation measure that accomplishes the dual goals of mitigating malicious conduct and protecting the mission of these two humanitarian and philanthropic international not-for-profit organizations.
- It is based on and consistent with precedent of protecting certain terms on specific premises in ICANN's Registry Agreements.
- The proposal is intended to complement the June 20, 2011 Board Resolution, which created a top level moratorium. Future work by the GAC and GNSO Council is necessary to ensure permanent protection at the top level. Permanent protection for the Olympic and Red Cross terms should mirror reservation of the words "test" and "example" under Guidebook section 2.2.1.2 - extending to multiple languages and receiving consideration during the String Similarity review.