Governmental Advisory Committee

28 November 2012

Jonathan Robinson
GNSO Council Chair

Dear Jonathan,

I am writing to convey the views of the GAC regarding the GNSO's determination to initiate a Policy Development Process (PDP) on the protection of the names of international organizations "in all gTLDs", which the GAC understands is intended to include both the names of the IOC and Red Cross/Red Crescent and the names of Intergovernmental Organizations (IGOs). The GAC feels strongly that the advice it forwarded to the ICANN Board in May 2011 to provide protection for the IOC and Red Cross/Red Crescent names at the top and second levels in all new gTLDs remains valid. The GAC has always considered this particular advice to fall into the category of implementation measures related to the new gTLD program, as opposed to requiring new policy, in view of both the pre-existing policy of reserving specific names from registration in gTLDs and the legal basis for the protection of the IOC and Red Cross/Red Crescent names (e.g. coverage under international legal instruments and national law in multiple jurisdictions). With regard to the latter, it is the GAC's understanding that the Board sought and obtained outside legal advice confirming the GAC's findings that the IOC and Red Cross/Red Crescent names enjoy both levels of protection

Consistent with the GAC Toronto Communique, the GAC is eager to understand the rationale behind the GNSO's determination that the protection of the IOC and Red Cross/Red Crescent names now requires a PDP. This is particularly important in light of: the strong legal basis for the GAC's advice; ambiguity as to the intent or purpose of a PDP to interpret the legal basis for the GAC's advice; and the length of time between the GAC's original advice to the Board and the GNSO's decision to initiate a PDP, during which the GNSO did not raise the issue of a PDP with the GAC.

With regard to the protection of the names of Intergovernmental Organizations (IGOs), the GAC is pleased to confirm its advice to the ICANN Board in Toronto, developed in coordination with IGO representatives, that the current criteria for the registration of

names in the .int registry provide a starting basis for protecting IGO names and acronyms in all new gTLD's. Building on these criteria, the GAC and IGO's will collaborate to develop a list of the names and acronyms of IGOs that should be protected, which will be forwarded to the ICANN Board and to the GNSO upon completion. The GAC believes this approach complements the provisions in the Applicant Guidebook that cite the .int registration criteria as the basis for IGOs to file a Legal Rights Objection to any new gTLD application, and extends the application of the .int registration criteria to meet the legitimate public interest concerns related to the unanticipated and unnecessary diversion of IGO resources to defensively register their names in each new gTLD that is approved by ICANN. As such, the GAC considers its advice for the protection of IGO names to also fall into the category of implementation, as opposed to policy development.

I look forward to circulating the GNSO's response to the GAC and would welcome any questions the GNSO might have with regard to the GAC's advice on protections at the second level for the names of the IOC and Red Cross/Red Crescent, as well as IGOs.

Best regards,

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

Cc: Mr. Steve Crocker, ICANN Chairman
ICANN Board
Mr. Fadi Chehade, ICANN CEO