

I C A N N
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Protection of IGO & Red Cross Identifiers

2 November 2018

ICANN | GAC
Governmental Advisory Committee



ICANN65 - GAC Plenary - Agenda Item 2

- 1. Background and overall status**

Manal Ismail, GAC Chair

- 2. Update of the GAC IGO List**

Nigel Hickson, ICANN

- 3. Update on the protection of Red Cross and Red Crescent
Names and Identifiers**

Stephane Hankins, ICRC

- 4. Status of IGO Access to Curative RPMs**

Brian Beckham, WIPO

	IGOs (Per GAC List & Criteria , in 22 March 2013 letter)		Red Cross / Red Crescent (per GAC Singapore Communiqué and reconvened PDP)	
	Full Names	Acronyms	Designations and Full Names	Acronyms (ICRC, CICR, IFRC, FICR)
Top Level	<p>Permanently reserved</p> <p>Per ICANN Board Resolution (30 April 2014)</p>	<p>Eligible to Legal Rights Objection</p> <p>Under the 2012 New gTLD Applicant Guidebook (Section 3.5.2)</p>	<p>Permanently Reserved</p> <p><i>Red Cross, Red Crescent, Red Lion and Sun and Red Crystal Designations in the 6 UN languages</i></p> <p>Under the 2012 New gTLD Applicant Guidebook (section 2.2.1.2.3)</p>	<p>Temporarily Protected</p> <p>Pending resolution of inconsistencies between GAC Advice & GNSO Recommendations</p> <p>Per ICANN Board resolutions on 26 November 2012 and 30 April 2014</p>
Second Level	<p>Permanently reserved in 2 languages</p> <p>Per ICANN Consensus Policy (16 January 2018)</p>	<p>Temporarily Protected</p> <p>Pending resolution of inconsistencies between GAC Advice & GNSO Recommendations</p> <p>Per ICANN Board resolutions on 9 January 2014 and 30 April 2014</p>	<p>Permanently reserved</p> <p><i>Designations (as above) + Names/identifiers of Red Cross Red Crescent organisations (in English and relevant languages)</i></p> <p>Per ICANN Consensus Policy (16 January 2018) and expected updated Policy</p>	

- In the [Toronto Communiqué](#) (17 October 2012), the GAC advised the ICANN Board seeking the protection of IGO names and acronyms at the second level of new gTLDs.
- The implementation of these protections has relied on a [list](#) of IGOs assembled by the GAC according to a set of [criteria](#), as included in a [letter](#) to the ICANN Board on 22 March 2013
- As part of the effort to implement protections of IGO names (ICANN [Consensus Policy](#) effective 1 August 2018), representatives of IGOs have identified the need to ensure completeness of the reference IGO List
- Consequently, in the [San Juan Communiqué](#) (15 March 2018) the GAC Advised the ICANN Board to *“Ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible”*

- The GAC provided subsequent [clarifications](#) to the ICANN Board (15 May 2018) that is it seeking: *“Confirming the contact information for the IGOs with which we are not in regular contact/have not been able to contact so that we can*
 - (a) confirm their preferred two full names [...],*
 - (b) try to ensure that there are no additional IGOs that fulfil the agreed criteria and that do not appear on the list, and*
 - (c) notify them of any future changes regarding protections of their identifiers.”*
- In the [San Juan GAC Advice Scorecard](#) (30 May 2018), the ICANN Board resolved to defer action on the advice until it could assess the feasibility of the request
- In January 2019, an ICANN Org project team was formed to assess the feasibility of the GAC’s request and to update the IGO List
 - Project team formed from GDD/ GE/ GAC Support and OECD and WIPO;
 - Key task to identify contacts at all of IGOs on GAC list;
 - Contact made with vast majority of 192 IGOs
 - Letter sent to all contacts asking for name confirmation and whether protection in a 2nd language

Results

- 168 of 192 IGOs contacted
- 36 IGOs asked for name in 2nd language to be protected (so new protection)
- Feedback still being received

Next Steps ?

- Formal request for GDD to update IGO protections;
- On-going process for continued feedback for the “192”
- Consideration of IGOs not on GAC list

Towards a permanent reservation of the Red Cross and Red Crescent designations and names

ICANN | GNSO

Generic Names Supporting Organization

Final Report on the Protections for
Certain Red Cross and Red Crescent
Names in All Generic Top-Level Domains
Policy Amendment Process

Status of This Document

This is the Final Recommendations Report of the Reconvened GNSO Working Group for Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains that has been posted for public comment.

Preamble

The objective of this Final Recommendations Report is to document the Reconvened Working Group's deliberations on the issues for which it was tasked by the GNSO Council to develop recommendations.

Approved Board Resolutions | Regular Meeting of the ICANN Board

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27 Jan 2019

d. Adoption of GNSO Consensus Policy relating to Certain Red Cross & Red Crescent Names at the Second Level of the Domain Name System

GAC Advice regarding Protections for the Red Cross and Red Crescent – Singapore Communiqué

Resolution of the New gTLD Program Committee

Topic:

Clarification of GAC previous advice to ICANN Board to permanently protect from unauthorized use the terms associated with the International Red Cross and Red Crescent Movement

Category:

gTLDs

Meeting Date:

Sun, 12 Oct 2014



Background: Inconsistencies of Advice / Recommendations to the ICANN Board

	GAC Advice	GNSO Recommendations
Protection of IGO Acronyms	<p>Durban Communiqué (18 July 2013)</p> <ol style="list-style-type: none"> 1. Permanent claims notification 2. Final & binding third party review in the event of disputes with a potential registrant 3. Mechanism to be low/no cost to IGOs 	<p>IGO/INGO Protection PDP (20 Nov. 2013)</p> <ol style="list-style-type: none"> 1. No reservations at top or second level 2. Acronyms entered into TMCH for 90-days Claims Protection (in 2 languages) 3. PDP to determine IGO access to and use of curative rights mechanisms (UDRP & URS)
IGO Access to Curative Rights Protection Mechanisms	<p>Los Angeles Communiqué (16 October 2014) The UDRP should not be amended</p> <p>IGO Small Group Proposal (4 October 2016) endorsed in Hyderabad Communiqué (8 November 2016):</p> <ul style="list-style-type: none"> ● procedure to notify IGOs of third-party registration of their acronyms; ● a dispute resolution mechanism modeled on but separate from the UDRP, ● an emergency relief domain name suspension mechanism to combat risk of imminent harm. 	<p>IGO Access to Curative RPMs PDP (18 April 2019):</p> <ul style="list-style-type: none"> ● no specific new dispute resolution procedures are to be created (Rec. 1) ● Options for IGOs to file complaints under URS/UDRP (Rec. 2-3) ● No support for providing subsidies to use the URS or UDRP (Rec. 4) <p>GNSO Council did not approve Rec. 5 (related to IGO Immunities) and directed further work on an appropriate policy solution generally consistent with Recommendations 1, 2, 3 & 4</p>

Latest Developments

- In the [GAC Barcelona Communiqué](#) (25 October 2018), the GAC [advised](#) the ICANN Board to: ***“facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC in an effort to resolve the longstanding issue of IGO protections”***
- GAC efforts to secure the GNSO’s participation in a facilitated dialogue have been unsuccessful
- In its [response to the ICANN Board’s notification](#) (20 August 2019) of its consideration of the GNSO’s policy recommendations 1-4, the GAC advised the ICANN Board to ***“abstain from taking a decision on these recommendations inter alia to allow the parties sufficient time to explore possible ways forward”***.
- In its [response](#) (14 October 2019), the ICANN Board indicated that *“At its workshop at ICANN65 in Marrakech in June 2019, the Board decided to form a Board Caucus Group to review the community’s work on this matter”* and that consequently it *“does not presently intend to act on the GNSO’s PDP recommendations 1, 2, 3, and 4 until the newly formed Board Caucus Group has completed its review of the matter and formulated suggestion for possible paths forward”*

Next Steps

The GAC has recently contributed on a proposed new IGO Work Track under the ongoing Review of All RPMs GNSO PDP WG -- the charter to be discussed here in Montreal -- with a view to ensure:

- Timeliness,
- Narrow focus and representation,
- Effective consideration of IGO and GAC input, and
- Recognition of the possibility that Recommendations 1-4 of the IGO Access to Curative RPMs PDP (adopted by the GNSO Council) may be superseded by new policy recommendations
 - **(in particular vis-a-vis policy still to be discussed for Recommendation 5 in the new Work Track)**