ICANN | GNSO
Generic Names Supporting Organization

Policy Development Process (PDP) Update

Protection of Certain International Organization Names in all gTLDs

July 2017

Upcoming Important Dates:
There are two ongoing work tracks in relation to this PDP. First, on the Board-adopted PDP recommendations that were consistent with GAC advice, the Implementation Review Team (IRT) published draft consensus policy language for public comment in late April. The comment period has ended and the IRT is working with ICANN staff to review all comments received (covered elsewhere in this set of briefing papers). Secondly, on the remaining PDP recommendations that are inconsistent with GAC advice and for which the Board has not yet taken action, discussions in relation to IGO acronym protections are continuing among representatives from the Board, GAC and GNSO following on the facilitated discussions that took place at ICANN58. In relation to Red Cross names, the GNSO Council voted to reconvene the original PDP Working Group in May 2017 following a request from the ICANN Board.

Concurrently, the GNSO's PDP Working Group on IGO-INGO Curative Rights is completing its work following its review of public comments received on its Initial Report (covered elsewhere in this set of briefing papers).

Summary:
In November 2013, the GNSO Council unanimously adopted all the consensus recommendations from its PDP Working Group regarding protections at the top and second level in all gTLDs for the names and acronyms of certain International Government Organizations (IGOs) and International Non-Government Organizations (INGOs), including the Red Cross international movement and its national societies and the International Olympic Committee (IOC).

On 30 April 2014 the Board adopted those of the GNSO's recommendations that are not inconsistent with GAC advice received on the topic. For the Red Cross, the approved identifiers were "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun"; for IGOs the approved identifiers were the full names of those IGOs on the list that had been provided by the GAC in March 2013. The Board requested additional time to consider the remaining inconsistent PDP recommendations, and resolved to facilitate dialogue between the GAC, GNSO and other affected parties to resolve the differences. An Implementation Review Team under the direction of the Global Domains Division was formed to implement those recommendations adopted by the Board.

In June 2014 the Board's New gTLD Program Committee (NGPC) requested that the GNSO Council consider amending its remaining policy recommendations with respect to the nature and duration of protection for IGO acronyms, the names and acronyms of the international Red Cross movement, and the names of 189 national Red Cross societies. The GNSO Council responded to the NGPC's request in October seeking further clarification and in January 2015 received the NGPC's reply advising that discussions remain ongoing. These Red Cross and

IGO identifiers are currently protected on an interim basis via Board resolution. In 2014, a small group of IGO and GAC representatives began working with ICANN Board representatives on a proposal to reconcile the inconsistent GNSO policy recommendations and GAC advice, facilitated by ICANN staff.

The GNSO Council wrote to the Board on 31 May 2016 to follow up on certain discussions at ICANN55 in Marrakech. Following additional discussions at ICANN56 in Helsinki, the Board responded to the GNSO Council in October 2016 and forwarded the final IGO Small Group Proposal at the same time. At ICANN57 in Hyderabad, the Board proposed that the GAC and GNSO conduct a discussion, facilitated by former Board member Bruce Tonkin, to resolve the differences. An initial facilitated discussion on the topic of Red Cross protections took place in between GAC and GNSO representatives in late February 2017. At ICANN58 in March 2017, two further facilitated dialogues were held, one on the Red Cross names and acronyms and the other on IGO acronyms.

Following these facilitated sessions, the Board passed a resolution at ICANN58, requesting that the GNSO Council consider initiating the GNSO's process for amending policy recommendations not yet adopted by the ICANN Board relating to a finite, limited list of Red Cross organizational names. The GNSO Council voted to accede to the Board's request in May 2017. The original PDP Working Group has been reconvened, and has begun to meet to discuss the possibility and advisability of amending its original policy recommendation concerning these specific Red Cross names.

Finally, discussions regarding next steps on IGO acronyms protection are expected to continue in parallel with and in consideration of the GNSO's ongoing PDP Working Group deliberations on curative rights protections for IGOs and INGOs (see separate briefing paper for that status update).

Engagement Opportunity Status:

GAC members and observers are very welcome to join the two PDP Working Groups that are working on the different aspects of this matter.

The following is a summary of the most recent GAC advice on this topic.

In its Dublin Communique, the GAC had requested that the Board facilitate the timely completion of the work of the IGO Small Group in order to resolve the issue of IGO protections. The Marrakech Communiqué noted the GAC's hope for resolution of the remaining differences between the GNSO and the GAC as to permanent protections for the Red Cross identifiers at issue. In its Helsinki Communique, the GAC requested that the Board continue to pursue discussions with the GAC and the GNSO, and to engage with the IGOs. The GAC's Hyderabad Communique advised the Board: (1) to engage with all parties in order to facilitate, through a transparent and good faith dialogue, the resolution of outstanding inconsistencies between GAC advice and GNSO recommendations with regard to the protection of IGO acronyms using the IGO Small Group Proposal as a starting point; and (2) to urgently request the GNSO to amend its policy recommendation concerning the Red Cross international movement and national society names, and to confirm their protections as permanent. In its Copenhagen

Communique, the GAC acknowledged the facilitated discussions that had taken place and provided specific advice to the Board on proposed next steps for both Red Cross identifier and IGO acronyms protections. The GAC welcomed the reconvening of the original PDP Working Group for Red Cross names in the Johannesburg Communique which also contained, as GAC consensus advice to the ICANN Board, the GAC's previous points on the development of appropriate protections for IGO acronyms.

Additional Information:
- November 2013 PDP Working Group Final Report:
- http://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf
- January 2014 GNSO Council Recommendation Report to ICANN Board: http://gnso.icann.org/en/issues/council-board-igo-ingo-23jan14-en.pdf
- ICANN Board Resolution of 30 April 2014: https://features.icann.org/gnso-policy-recommendations-igo-ingo-protections
- NGPC Letter of 16 June 2014: http://gnso.icann.org/en/correspondence/chalaby-to-robinson-16jun14-en.pdf
- GNSO Council Response of 7 October 2014 to NGPC Letter: http://gnso.icann.org/en/correspondence/robinson-to-chalaby-disspain-07oct14-en.pdf
- NGPC Resolution of 12 October 2014 on interim protections for the international Red Cross and national Red Cross entities: https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.d
- NGPC Letter Response to GNSO Council of 15 January 2015: http://gnso.icann.org/en/correspondence/chalaby-to-robinson-15jan15-en.pdf
- GNSO Council Letter to the Chair of the ICANN Board, 31 May 2016: https://www.icann.org/en/system/files/correspondence/gnso-council-chairs-to-crocker-31may16-en.pdf
- Board response to the GNSO Council, enclosing IGO Small Group Proposal, 4 October 2016: https://www.icann.org/en/system/files/correspondence/crocker-to-austin-et-al-04oct16-en.pdf
- New IGO-Red Cross Identifiers Discussion Group wiki space containing email archives for the group and draft documents for the proposed facilitated discussions: https://community.icann.org/x/eoPRAw