

United Nations  Nations Unies

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26 July 2012

Dear Ms. Dryden and Mr. Van Gelder:

UN Letter to ICANN requesting exclusion of IGO names/acronyms from gTLD registration

I would like to bring to your attention the letter of 11 July 2012 (attached hereto) from the United Nations to Mr. Akram Atallah, Acting Chief Executive Officer of the International Corporation for Assigned Names and Numbers (ICANN).

This letter, sent by Mr. Thomas Stelzer, Secretary of the Chief Executives Board for Coordination at the United Nations, on behalf of the UN Secretary-General, expresses the deep concern of Intergovernmental Organizations (IGOs) that ICANN has, to date, not accepted the general principle of an exclusion of IGO names and acronyms in the Domain Name System, in the context of the general Top Level Domain Name (gTLD) expansion plan it had initiated on 12 January 2012.

In light of the factual and legal background provided in the attached letter, we have urged ICANN to agree to apply the principle that IGO names and acronyms be systematically excluded from gTLD registration, in line with the existing decisions to exclude the International Committee of the Red Cross and the International Olympic Committee.

Thank you for your attention to this important matter.

Yours sincerely,



Patricia O'Brien

Under-Secretary-General for Legal Affairs
The Legal Counsel

Ms. Heather Dryden
Chair, Governmental Advisory Committee

Mr. Stephane van Gelder
Chair, Generic Names Supporting Organization Council



Secretariat of the United Nations System
Chief Executives Board for Coordination (CEB)

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11 July 2012

Dear Mr. Atallah,

I am writing to you, on behalf of Mr. BAN KI-moon, Secretary-General of the United Nations, to express deep concern that the International Corporation for Assigned Names and Numbers (ICANN) has so far not been in a position to accept the general principle of an exclusion of Intergovernmental Organization (IGO) names and acronyms in the Domain Name System (DNS), in the context of the general Top Level Domain Name (gTLDs) expansion plan it initiated on 12 January this year.

A number of IGOs are concerned at the policy, legal and practical implications of potential attempts to register IGO names and acronyms as gTLDs. These concerns are set out in an open letter of 19 December 2011 and in subsequent individual or joint commissions by IGOs to the Governmental Advisory Committee (GAC). I note that the GAC has indicated that it would consider formulating advice regarding enhanced protection of IGO names and acronyms, provided they meet the criteria of a two-tiered protection test, comprising protection at both the international level through international treaties, and through national laws in multiple jurisdictions. The attached position paper submitted to the GAC on 4 May 2012 explains how IGO names and acronyms meet this two-tier protection test, and sets out further reasons why they should systematically be excluded from registration as gTLDs.

IGOs are supranational public entities created by States to serve the international public interest. Thus their names and acronyms have to be considered as the joint property of their Member States, and are protected against misuse and misappropriation for public policy reasons. Article 6ter of the *Paris Convention for the Protection of Industrial Property*, also given effect through the *WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS)*, creates international legal obligations for virtually all countries to protect notified names and acronyms of IGOs; this obligation goes beyond a general international principle and requires the specific operation of national legislation to protect the names, abbreviations and emblems of international IGOs. A full register of protected names can be consulted through the 6ter Express search tool at <http://www.wipo.int/ipdl/en/6ter/>. ICANN's decision to exclude only two specific international organizations simply raises the question of why a general principle cannot be applied consistently, given that many other IGO names are protected to a comparable degree.

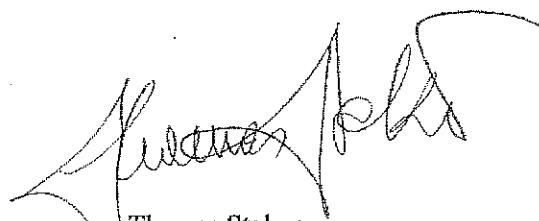
Mr. Akram Atallah
Acting Chief Executive Officer
International Corporation for
Assigned Names and Numbers
Marina del Rey

Apart from the specific legal obligation, at international and domestic levels, to protect these terms, further polity considerations compel a systematic exclusions:

- The gTLD expansion plan is inherently ill-suited for IGO names, as IGOs are not mandated to operate as domain names registries, and have no comparable commercial role;
- This exception would not impair the general principles or practice of the expansion program; the new gTLDs will dramatically expand the scope of available domain names, and the impact of the exclusion of a well-defined set of IGOs' names and acronyms will become vanishingly small over time;
- IGOs are mandated to perform vital public policy roles, ranging from good governance and international cooperation to compelling humanitarian objectives; as their good names, neutrality and reputation are essential tools for fulfilling these tasks, and any confusion regarding their names and acronyms, linked to unauthorized websites, could have a serious impact on their operations, from the security of their staff to the conduct and funding of activities, as may happen if a UN programme offering humanitarian assistance in war or famine was confused with commercial activities operating under a domain name based on a United Nations name or acronym; and
- IGOs are generally funded by taxpayers' money, and philanthropic and aid sources. They are expected to manage their budgets carefully so as to meet growing programme obligations at a time of considerable pressure on public finances. It would be wasteful to require these public funds to be deployed to register or to defend their names and acronyms against illegal or inappropriate gTLD registration, when they are already protected internationally under the *Paris Convention* and the *TRIPS Agreement*.

I urge ICANN to weigh this legal and factual background carefully and agree to apply the principle that IGO names and acronyms be systematically excluded from gTLD registration, in line with the existing decisions to exclude two individual IGOs. The clear legal basis, and strong public interest rationale together establish a compelling case for ICAN to take this step

Yours sincerely,



Thomas Stelzer
Secretary of CEB

CEB: The Chief Executives Board for Coordination (CEB) is the longest-standing and highest level coordination forum in the United Nations. It comprises the leadership of 29 member organizations, CEB itself is chaired by the UN Secretary-General