

GNSO Council Recommendations Report to the Board regarding Adoption of the Final Recommendations from the Reconvened Policy Development Process Working Group on Red Cross National Society and International Movement Names

1. Executive Summary

This Recommendations Report is being sent to the ICANN Board for the Board's review and action on recommendations developed by the GNSO's Reconvened Policy Development Process (PDP) Working Group regarding appropriate second-level protections for the names of all the Red Cross National Societies and the Red Cross international movement. On August 2018 the GNSO Council [voted](#) unanimously to approve the final recommendations contained in the [Final Report](#) from the Reconvened Working Group. All the final PDP recommendations received Full Consensus support from all the members of the Reconvened Working Group (please see Annex A for a summary of all the approved recommendations).

The GNSO Council had [reconvened](#) the PDP Working Group in accordance with the GNSO's PDP Manual in order to determine whether policy recommendations previously approved by the GNSO Council in November 2013, relating to Red Cross National Society and international movement names, should be modified in light of the exceptional circumstances in this case. These exceptional circumstances, as highlighted in a facilitated discussion that took place in March 2017 between representatives of the GNSO and the Governmental Advisory Committee (GAC) and noted in the GNSO Council resolution reconvening the PDP Working Group, were as follows:

- (1) There are public policy considerations associated with protecting the Red Cross movement's identifiers in the domain name system;
- (2) The GAC's rationale for seeking permanent protection for the terms most closely associated with the Movement and its respective components is grounded in the protections of the designations "Red Cross", "Red Crescent", "Red Lion and Sun", and "Red Crystal" under international treaty law and under multiple national laws;
- (3) The list of names of the Red Cross and Red Crescent National Societies is a finite, limited list of specific names of the National Societies recognized within the international Red Cross movement
http://www.ifrc.org/Docs/ExcelExport/NS_Directory.pdf);
- (4) There are no other legitimate uses for these terms; and
- (5) The GAC had provided clarification following the completion of the previous GNSO PDP, via its March 2014 Singapore Communique, on the finite scope of the specific list of Movement names for which permanent protections were being requested
<https://gacweb.icann.org/download/attachments/28278854/Final%20Communique%20-%20Singapore%202014.pdf?version=1&modificationDate=1397225538000&api=v2>).

The Reconvened PDP Working Group began meeting in June 2017 and published its [recommendations](#) for public comment in June 2018. The Working Group's recommendations included a finite list of Red Cross National Society and international movement names and permitted variants, developed initially by representatives of the movement and reviewed by the Working Group based on specific criteria agreed on for the finite list of permitted variants. Following its review of all the public comments received to its recommendations, the Working Group completed its [Final Report](#) and submitted it to the GNSO Council on 6 August 2018. At the request of the GNSO's Non-Commercial Stakeholder Group (NCSG), a vote on the recommendations was deferred from the GNSO Council's August meeting to its September meeting. Prior to the September meeting, the Working Group chair and Council liaison met with NCSG Councilors and members to discuss the NCSG's concerns with the PDP recommendations.

The policy recommendations modify those approved previously by the GNSO Council in relation to the specific list of Red Cross National Society and international movement names under consideration. Essentially, the Reconvened PDP Working Group recommended that the full names of the 191 National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies (as contained in a finite, agreed [accompanying list](#) to the Final Report) are to be withheld from delegation at the second level, with an exception procedure to be put in place for the relevant organization to apply for the string matching its name. The Reconvened PDP Working Group also developed specific criteria to apply to error corrections, additions to and deletions from the finite list. These criteria were also used to develop the agreed list and are based on the recognition of a National Society in accordance with the rules and procedures of the international movement.

If approved by the Board, the policy recommendations will impose obligations on contracted parties. The GNSO Council's unanimous vote in favor of these items exceeds the voting threshold required by Article X, Section 3.9.f of the ICANN Bylaws regarding the formation of consensus policies. Under the ICANN Bylaws, the Council's supermajority support for the PDP recommendations obligates the Board to adopt the recommendations unless, by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

2. If a successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the Constituency(ies) or Stakeholder Group(s) that held that position.

N/A

3. An analysis of how the issue(s) would affect each Constituency or Stakeholder Group, including any financial impact on the Constituency or Stakeholder Group.

Implementation of the policy recommendations, if approved, will involve resources from ICANN's contracted parties for the initial imposition of the list of names and implementation of any updates thereto. Withholding the agreed list of names and permitted variants from delegation at the second level of the domain name system will mean that only the relevant Red Cross organization can apply to register the domain name in question. No other financial impact on a Stakeholder Group or Constituency is otherwise anticipated.

4. An analysis of the period of time that would likely be necessary to implement the policy.

An Implementation Review Team (IRT) had been established to develop operational recommendations for implementing consensus policies concerning the names of certain International Governmental Organizations and International Non-Governmental Organizations (including the Red Cross), approved by the GNSO Council in November 2013 and the ICANN Board in April 2014. The agreed implementation mechanisms for these consensus policies included the development of an exception procedure for the affected organizations and details concerning the notification and communication of updates to the requisite list of organizational names being withheld from delegation. The Reconvened PDP Working Group was aware of the work of the IRT, and the Working Group's expectations were that implementation of the current recommendations will be based in substantial part on the processes developed by the IRT. In addition, the IRT remains in place and is expected to take on the implementation work from the Reconvened PDP as well. It is therefore anticipated that there will not be an undue delay in undertaking the implementation work or its completion.

5. The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest.

N/A

6. The Final Report submitted to the GNSO Council

The Final Report of the Privacy and Proxy Services Accreditation Issues PDP Working Group was submitted to the GNSO Council on 8 August 2018 and can be found here in full: [Final Report](#). The full, finite list of the agreed Red Cross National Societies and the international movement as well as their permitted variants (if any) can be found here: <https://gns0.icann.org/en/issues/igo-ingo/red-cross-identifiers-proposed-reservation-06aug18-en.pdf>.

7. A copy of the minutes of the Council deliberation on the policy issue, including all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.

In relation to the Council's discussion of the NCSG request to defer a vote on the Final Report, please refer to the [transcript](#), [recording](#) and [meeting minutes](#) from the Council's August 2018 meeting. For the discussion that took place in September 2018, between the Working Group chair and Council liaison with the NCSG about the NCSG's concerns, please refer to the [transcript](#) and [recording](#).

In relation to the Council's discussion of and vote on the Final Report at its September 2018 meeting, please refer to the resolution adopting the final recommendations from the Reconvened PDP Working Group at <https://gnso.icann.org/en/council/resolutions#20180816-2> as well as the [transcript](#) and [recording](#).

8. Consultations undertaken

External

The Reconvened PDP Working Group worked closely with representatives of the Red Cross to develop the final agreed list of names and permitted variants. An initial list of all eligible National Society names was provided by the Red Cross representatives and reviewed by the Working Group, which also derived specific criteria relating to the scope of permitted variants from that initial list.

Internal

Staff from ICANN's Global Domains Division leading the IRT that had been formed to implement previously-approved consensus policies relating to specific Red Cross identifiers (i.e. "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion & Sun") attended the meetings of the Reconvened PDP Working Group to ensure that the group's recommendations would be operationally feasible and in line with the IRT's recommendations for the previously-concluded PDP. The Working Group also reviewed that PDP's recommendations and deliberations that were relevant to the group's task, as well as briefings and other documents that were used in the March 2017 facilitated discussion that led to the reconvening of the PDP.

9. Summary and analysis of Public Comment Forum to provide input on the Reconvened PDP Working Group recommendations, as adopted by the GNSO Council prior to ICANN Board consideration.

In accordance with the ICANN Bylaws, public notice as well as a "reasonable opportunity" for the public to comment "any policies that are being considered by the Board for adoption that substantially affect the operation of the Internet or third parties, including the imposition of any fees or charges" must be provided prior to Board consideration of the recommendations. Where the proposed policy affects public policy concerns, the opinion of

the GAC must be solicited and any GAC input that is provided in a timely fashion must be duly taken into account by the ICANN Board.

10. Impact/implementation considerations from ICANN staff

Given the existence of the IRT from the previously-concluded PDP and the expectation that implementation of the agreed, finite list of Red Cross names as well as the required exception procedure will follow the processes already developed by that IRT, ICANN staff anticipates that there will not be undue delay in finalizing implementation details or the time required for operationalization on the part of ICANN's contracted parties. As representatives of the Red Cross as well as the GAC were involved in the Reconvened PDP deliberations, ICANN staff also does not anticipate major difficulties with proceeding with implementation planning or in dealing with any requested updates to the list of names and variants.

Annex: Final Recommendations from the Reconvened PDP Working Group (extracted from Section 1.2 of the Final Report)

Recommendation #1: The Reconvened WG confirms the GNSO Council's proposed amendment as outlined in its resolution of 3 May 2017, whereby an agreed finite list of the full names of the 191 National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement.

Recommendation #2: The Reconvened WG confirms the GNSO Council's proposed amendment as outlined in its resolution of 3 May 2017 whereby an exception procedure is to be put in place for cases where the relevant Red Cross or Red Crescent Organization wishes to apply for its protected string(s) at the second level.

Recommendation #3: The Reconvened WG recommends that future error corrections, additions to and deletions of any entries in the finite list of reserved names and their agreed variants be made only in accordance with the criteria developed by the WG and listed in Recommendations #4-6 below.

Recommendation #4: The Reconvened WG recommends that future changes (if any) to the finite list of National Red Cross or Red Crescent Societies created as a result of this policy amendment process be made only in accordance with the variant criteria as defined by this WG. These criteria were also applied to the creation of the current finite list included as an attachment to this report.

Recommendation #5: The Reconvened WG recommends that any and all future changes to the finite list be made only upon notification to ICANN Organization and the confirmation, by designated representatives of the International Red Cross and Red Crescent Movement

(Movement), to the effect that: (a) the proposed changes have been communicated to the GAC as well as the GNSO Council; (b) any new National Societies' names to be added to the list have been recognized in accordance with all the applicable rules and procedures of the Movement; and (c) any proposed deletions from the list would be based on the cessation of operations of that National Society or its removal from the Movement in accordance with all applicable rules and procedures of the Red Cross Movement.

Recommendation #6: The Reconvened WG recommends that a proposed correction of any errors (e.g. in translation or spelling) in the finite list of reserved names be made only through the submission of a formal request to ICANN Organization by official and designated representatives of the International Red Cross and Red Crescent and/or Registry Operators describing in detail the nature of the error and the specific correction to be made in the form of a direct replacement to the erroneous entry. The ICANN Organization shall have the right to refer the request to the GAC or otherwise conduct an investigation into the accuracy of the correction sought.