

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

Status of This Document

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

Preamble

The objective of this Initial 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 preliminary recommendations. Following its review of all public comments received on this report, the group will prepare its Final Report.

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1 Executive Summary

1.1 Introduction

On 3 May 2017, the GNSO Council reconvened a Policy Development Process and tasked the IGO-INGO Working Group with reviewing prior consensus recommendations that were adopted by the Council, but later returned back by the ICANN Board for further consideration as it related to prior GAC advice. The WG held its first meeting on 14 June 2017.

The potential policy changes relate to certain specific names of Red Cross National Societies, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies, as initially documented as Recommendation 5 in [Section 3.1 of the PDP Working Group Final Report](#). The GNSO Council directed the WG to consider the following proposed amendments:

- (a) The full names of the now-191 Red Cross National Societies and the full names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement, with an exception procedure to be created for cases where the relevant Red Cross Red Crescent Movement Organization wishes to apply for their protected string at the second level;
- (b) In placing the specified identifiers into Specification 5 of the Registry Agreement, this should apply to an exact match of the full name of the relevant National Society recognized within the International Red Cross and Red Crescent Movement (in English and the official languages of its state of origin), the full names of the International Committee of the Red Cross and of the International Federation of Red Cross and Red Crescent Societies (in the six official United Nations languages) and a defined limited set of variations of these names; and
- (c) In considering the proposed amendment, account is to be duly taken of the matters noted during the GAC-GNSO facilitated discussion at ICANN58 as well as of the GAC's public policy advice to reserve the finite list of names of the Red Cross and Red Crescent National Societies, as recognized within the International Red Cross and Red Crescent Movement, in all gTLDs.

It is important to note that the scope of the work of this Reconvened WG did not, per the GNSO Council motion of 3 May 2017, extend to the issue of protecting the acronyms of the International Committee of the Red Cross or the International Federation of Red Cross and Red Crescent Societies (i.e., ICRC, CICR, CICV, MKKK, IFRC, FICR). While these specific acronyms are the subject of inconsistent GAC advice and prior GNSO policy work¹, they are not covered by the Reconvened WG's recommendations.

See Section 5 for a fuller discussion of this issue.

1.2 Preliminary Recommendations

The WG was tasked to provide the GNSO Council with consideration of amendments to prior consensus policy recommendations. The WG first analyzed the legal basis to confirm whether reservation protections were warranted above the 90-day claims protections adopted by the GNSO in [Resolution](#) of 3 May 2017. Following its analysis, the group then developed variant principles in developing the definitive list of names to be reserved. The WG arrived at a set of preliminary recommendations and conclusions, with initial consensus levels being determined.

1.2.1 Recommendations to Proposed Amendment

The following proposed recommendations are only brief summaries. Full recommendation text can be found in Section 2 with additional details in consideration for implementation.

Recommendation #1:

The Reconvened WG confirms the GNSO Council's proposed amendment as outlined in its [resolution](#) of 3 May 2017, whereby an agreed definitive, finite list of the full names of the 191 Red Cross National 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 Organization wishes to apply for their 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 definitive 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.

1.2.2 Recommendations in Addition to Proposed Amendment

The following proposed recommendations are only brief summaries. Full recommendation text can be found in Section 2 with additional details in consideration for implementation.

Recommendation #4:

The Reconvened WG recommends that future changes (if any) to the definitive list of Red Cross National 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 definitive list included as an attachment to this report.

Recommendation #5:

The Reconvened WG recommends that any and all future changes to the definitive, finite list be made only upon notification to ICANN Organization and the confirmation, by official representatives of the Red Cross 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 to be added to the list have been recognized in accordance with all the applicable rules and procedures of the Red Cross Movement; and (c) any proposed deletions from the list are 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 definitive list of reserved names be made only through the submission of a formal request to ICANN Organization by official representatives of the Red Cross 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.

1.3 Deliberations and Community Input

These sections summarize the Reconvened WG's deliberations on what can constitute an appropriate legal basis upon which to grant permanent protection in the form of reservations for the names of the various Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. The text herein does not purport to constitute legal analysis of the applicable international and national laws and should not be referenced in that regard. The Reconvened WG relied on information regarding applicable national laws provided to it by the representatives of the Red Cross and other sources. These details may be reviewed at the following two sources:

- A briefing document that Red Cross representatives provided to the ICANN Board in 2013 and posted [here](#); and
- A [briefing document](#) prepared by ICANN staff in consultation with Red Cross representatives for a facilitated discussion between representatives of the GAC and the GNSO that took place at ICANN 58 in March of 2017.

The Reconvened WG also developed a definitive list of identifiers to be protected based on the instructions from the GNSO Council. The outcome of the WG's efforts resulted in two deliverables; (1) a definitive list of identifiers for the ICRC, IFRC, and National Societies, as a part of the Movement, has been created; and (2) a set of principles that define the allowed variations for current and future use. Both deliverables became a part of the recommendations found in Section 2 of this report.

Community input to this Initial Report will be taken into consideration before a Final Report is delivered to the GNSO Council.

1.4 Conclusions and Next Steps

This Initial Report will be posted for public comment for 40 Days. After the WG's review of public comments received on this report, they will complete this section documenting any conclusions based on the overall findings of the report.

1.5 Other Relevant Sections of this Report

For a complete review of the issues and relevant interactions of this WG, the following sections are made available in the later pages of this document.

- Background of the issue documenting how it was discovered and eventually approved for further consideration by the GNSO Council
- Documentation of who participated in the WG's deliberations, attendance records, and links to Statements of Interest as applicable
- An annex that includes the WG's mandate as defined in the Charter adopted by the GNSO Council
- An attachment that consists of the definitive list of identifiers to be protected

End Section.

2 Working Group Preliminary Recommendations

The WG was reconvened for the purpose of consultation by the GNSO Council on possible amendments to a number of specific recommendations that had been made by the initial PDP Working Group on IGO-INGO Protections in All gTLDs, which had [completed its work in November 2013](#). These potential policy changes relate to certain specific names of Red Cross National Societies, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies, as initially documented as Recommendation 5 in [Section 3.1 of the PDP Working Group Final Report](#). In reconvening the WG in May 2017, the GNSO Council [directed](#) the WG to consider the following proposed amendments:

- (d) The full names of the now-191 Red Cross National Societies and the full names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement, with an exception procedure to be created for cases where the relevant Red Cross Red Crescent Movement Organization wishes to apply for their protected string at the second level;
- (e) In placing the specified identifiers into Specification 5 of the Registry Agreement, this should apply to an exact match of the full name of the relevant National Society recognized within the International Red Cross and Red Crescent Movement (in English and the official languages of its state of origin), the full names of the International Committee of the Red Cross and of the International Federation of Red Cross and Red Crescent Societies (in the six official United Nations languages) and a defined limited set of variations of these names; and
- (f) In considering the proposed amendment, account is to be duly taken of the matters noted during the GAC-GNSO facilitated discussion at ICANN58 as well as of the GAC's public policy advice to reserve the finite list of names of the Red Cross and Red Crescent National Societies, as recognized within the International Red Cross and Red Crescent Movement, in all gTLDs.

It is important to note that the scope of the work of this Reconvened WG does not extend to the issue of protecting the acronyms of the International Committee of the Red Cross or the International Federation of Red Cross and Red Crescent Societies (i.e., ICRC, CICR, CICV, MKKK, IFRC, FICR). While these specific acronyms are the subject of inconsistent GAC advice and prior GNSO policy work², they are not covered by the Reconvened WG's recommendations because they were excluded from the instructions from the GNSO Council.

2.1 The WG's Preliminarily-Agreed Recommendations

The scope of the deliberations of the Reconvened WG, as instructed by the GNSO Council, were limited to the topics listed in the GNSO Council's resolution of 3 May 2017. Details of the

² See Section 5 for a fuller discussion of this issue.

primary topics that were discussed can be found in Section 3 of this report. Accordingly, the Reconvened WG's deliberations focused on: (a) the applicable legal basis for protecting specific Red Cross names by withholding these from registration at the second level (i.e. via reservation), where the original PDP WG had recommended a 90-day period during which both the potential registrant and the affected Red Cross Organization (should the registrant proceed with its registration of a second level domain name matching the specific Red Cross name in question) will be notified; and (b) the criteria and other parameters through which a finite, definitive and limited list of the Red Cross names under consideration will be reserved permanently at the second level of the domain name system.

The Reconvened WG believes that its proposed recommendations, as described in this Initial Recommendations Report, address the GNSO Council's instructions. This report also contains additional guidance from the Reconvened WG on aspects relating to implementation of these recommendations. The WG has included these details as a result of lessons learned from the implementation of [consensus policies developed by the original GNSO PDP that were approved by the ICANN Board in April 2014 relating to specific protections for the primary identifiers of the Red Cross movement and other organizations](#).

2.1.1 Recommendations addressing the Proposed Amendments sent to the Reconvened WG by the GNSO Council

The following recommendations address the details of the proposed amendments listed in the GNSO Council's 3 May 2017 [resolution](#) reconvening the WG. In summary, the Reconvened WG agrees that protection at the second level of the domain name system via reservation of the full names of the various Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies must be based on a finite list of these names, be on an exact match basis, and with an exception procedure to be put in place for the protected organization should it wish to register those specific names.

Recommendation #1:

The Reconvened WG confirms the GNSO Council's proposed amendment as outlined in its [resolution](#) in May 2017, whereby an agreed, finite, definitive list of the full names of the 191³ Red Cross National 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, as further elaborated under the Recommendation Details below. The full, finite, definitive list of these names, along with specific, limited variants of these names determined in accordance with a set of criteria agreed by the WG (see Recommendations #4-6 below) and the applicable languages for which each name is to be reserved can be found with the attachment of this report. Third party registrations at the second level of exact matches of any name or variant on the definitive list (as may be updated periodically pursuant to Recommendations #4-6 below) will not be permitted. For the

³ As of 1 June 2018 (see Recommendations #4-6 below for the WG's recommendations for handling additions, deletions and other changes to the list).

avoidance of doubt, the applicable languages are: (a) for Red Cross National Societies, English (unless indicated otherwise) and the applicable official language(s) of their respective states of origin (as indicated on the list); and (b) for the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, in English and the six official languages of the United Nations.

The Reconvened WG came to full consensus for this recommendation.

Recommendation Details:

Following the WG's agreement on an appropriate legal basis for protections of the Red Cross names under consideration in all gTLDs by the WG (see deliberation details in Section 3 below), it was understood that there are a few variations in how ICANN's Registry Agreements make reference to a schedule of reserved names. Those gTLDs that were delegated pursuant to the 2012 New gTLD Program refer to this schedule as Specification 5; however, gTLDs delegated prior to 2012 (and for which the registry agreements were renewed before 2014) use a different reference method. For example, a similar schedule of reserved names in the registry agreement applicable to the [.COM](#) gTLD is referred to as [Appendix 6](#). As such, the Reconvened WG confirms that all references to a "Specification 5" in this context in relation to those gTLDs delegated prior to the 2012 New gTLD Program refer also to the equivalent schedules and appendices applicable to those registry agreements.

The WG also notes that the current [Specification 5](#)⁴ for gTLDs delegated pursuant to the 2012 New gTLD Program already contains a list of identifiers for Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies that were placed under reservation on a temporary basis by the ICANN Board in 2014. This interim list of reserved names and the relevant DNS labels will need to be either replaced or reconciled with the definitive list of identifiers (as finalized by the Reconvened Working Group and approved by the GNSO Council and ICANN Board as a result of this policy amendment process) during the implementation process. The definitive list proposed by the Reconvened WG can be found as an attachment to this Initial Recommendations Report.

Recommendation #2:

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

The Reconvened WG came to full consensus for this recommendation.

Recommendation Details:

⁴ Section 4: International Red Cross and Red Crescent Movement - International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies Names

The Reconvened WG understands that an exception procedure has already been created with the implementation of the [Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy](#) (approved by the ICANN Board in April 2014 in relation to certain specific IGO and INGO names, but not including those Red Cross names under consideration by this Reconvened WG) with an effective date of 1 August 2018. The Reconvened WG believes that the same process should apply to those Red Cross names to be reserved as a result of its work and as such does not expect that any changes to the current exception procedure will be required in order to implement reservations protection for these additional Red Cross names.

Recommendation #3:

The Reconvened WG recommends that error corrections, additions to and deletions of any entries in the definitive 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.

The Reconvened WG came to full consensus for this recommendation.

Recommendation Details:

The Reconvened WG has conducted deliberations on the type and extent of changes that can be made to the definitive list it has developed. The criteria agreed on by the WG as a result of these deliberations were based substantially on initial criteria proposed by, and consultations with, representatives of the Red Cross who participated throughout the WG's discussions. As a result, the WG believes that these criteria address both GAC advice provided to date on the topic and the demonstrated need for certain protections for Red Cross names, while ensuring sufficient certainty for ICANN's Contracted Parties and the general public as well as a clearly defined methodology for future changes to the reserved name list.

2.1.2 Additional Recommendations in relation to the Scope of the Red Cross Names to be Reserved

The following recommendations address: (a) the criteria that were agreed on to determine the scope of the definitive list of Red Cross names that is being proposed for reservation; and (b) the nature of the authority and timing for future changes (if any) to the definitive list.

Recommendation #4:

The Reconvened WG recommends that future changes (if any) to the definitive list of Red Cross National Societies created as a result of this policy amendment process be made only in accordance with the following criteria. These criteria were also applied to the creation of the current definitive list included as an attachment to this report.

The Reconvened WG came to full consensus for this recommendation.

Recommendation Details:

The variant criteria to be applied to any future changes to the definitive list of reserved names were developed in consultation with representatives of the Red Cross who participated in the WG's deliberations, and were based on initial suggestions provided by these representatives.

These criteria are listed in full below, and are to be applied in consultation with the respective National Societies. No other criteria are to be used for determining changes to the definitive list:

Permitted Variants, in English:

- Acronyms & Initials: Not included⁵
- Articles & Prepositions:
 - **“The”**: List includes names both with, and without, the definitive article “the” (e.g. “The Finnish Red Cross” and “Finnish Red Cross”)
 - **“Of”**: Listed only when the word is part of the specific name in question and includes the words “Red Cross” or “Red Crescent” (e.g. “Red Cross of Laos” and “Red Crescent of Brunei”)
 - **“in”**: Listed only when the word is part of the specific name in question and includes the words “Red Cross” or “Red Crescent” (e.g. “Red Cross in Ukraine”)
- Descriptive word + society name + “Red Cross” or “Red Crescent”:
 - **“Association”**: Only when part of the specific name in question and including the words “Red Cross” (e.g. “Association of the Belgian Red Cross” and “Brazilian Red Cross Association”)
 - **“Authority”**: Only when part of the specific name in question and including the words “Red Crescent” (e.g. “Emirati Red Crescent Authority”)⁶
 - **“National”**: Only when part of the specific name in question and including the words “Red Cross” or “Red Crescent” (e.g. “Peruvian Red Cross National Society”, “The Jordan National Red Crescent Society”)
- Descriptive word + country name + society name + “Red Cross” or “Red Crescent”:
 - **“Democratic”**: Only when part of the country name as well as the specific name in question, and including the words “Red Cross” or “Red Crescent” (e.g. “Democratic People’s Republic of Korea Red Cross”⁷)
 - **“Republic”**: Only when part of the country name as well as the specific name in question, and including the words “Red Cross” or “Red Crescent” (e.g. “The Republic of San Marino Red Cross Society”, “Red Crescent of The Republic of The Maldives”)
- The word **“Society”**:
 - List includes names both with, and without, the word “Society” (e.g. “Peru Red Cross” and “Peru Red Cross Society”)
- The use of Country or Nationality within the combinations listed above
 - For example, “Ethiopia Red Cross” or “Ethiopian Red Cross”

Permitted Variants in Languages other than English⁸:

⁵ Note that for the British Red Cross Society requests were also made for “Red Cross UK” and “The Red Cross UK”.

⁶ Note that for Saudi Arabia, the request for “Red Crescent Authority” is for the Arabic version only, and not the English-language version.

⁷ The only other country where the term “Democratic” is used is in reference to the Democratic Republic of the Congo.

- Acronyms & Initials: Not included
- “Red Cross”, “Red Crescent” as standalone words: Not included
- Translations and/or transliterations which are direct translations or otherwise accurate transliterations of the relevant name in English
- The words “Association”, “National”, “Republic”, “Society” etc.: the same rule to be applied as in its English form (i.e. only as part of the specific name in question and including the words “Red Cross” or “Red Crescent”)

Additional Criteria:

- The first letters of the words included in a National Society name is to be capitalized only in accordance with national grammar rules (e.g. "Croix-Rouge du Tchad"; "Croix-Rouge tchadienne")
- “Official name” means the name of a National Society as it appears in the National Society's Recognition Act and/or in the National Society's own statutory or constitutional base texts.
- “Commonly used names”⁹ mean the names by which a National Society is commonly known (as it might appear for instance as part of the National Society's logo or on the National Society's website).
- “Official languages” mean the official languages of the relevant state of origin of the National Society. This should exclude in principle dialects or regional/minority languages (unless a good case is to be made for an exception – e.g. where the lingua franca in the country or in parts thereof is different from the State's official language or languages).

Recommendation #5:

The Reconvened WG recommends that any and all future changes to the definitive list be made only upon notification to ICANN Organization and the confirmation, by official representatives of the Red Cross 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 to be added to the list have been recognized in accordance with all the applicable rules and procedures of the Red Cross Movement; and (c) any proposed deletions from the list are 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.

The Reconvened WG came to full consensus for this recommendation.

Recommendation Details:

The Reconvened WG understands that a procedure to make changes has already been created with the implementation of the [Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy](#) (approved by the ICANN Board in April 2014 in relation to certain specific IGO and INGO names, but not including those Red Cross names under consideration by this

⁸ In some cases, a country's list of names was submitted for inclusion in more than one language – e.g. China (in both simplified and traditional Chinese), Haiti (in both French and Spanish).

⁹ In some cases, requests included references to the people of a country as well, e.g. Greece/Hellenic, Netherlands/Dutch.

Reconvened WG) with an effective date of 1 August 2018. The Reconvened WG believes that the same process should apply to changes to the reserved list developed for Red Cross National Society names and as such does not expect that any changes to the current change procedure will be required other than the notification requirements specified in this Recommendation #5.

The Reconvened WG also understands that the GAC is the an important channel for any proposed changes that are to be made to the reservation list.

The Reconvened WG suggests that the International Federation of Red Cross and Red Crescent Societies may wish to determine a point in their process by which new National Societies are formed and approved, but possibly prior to publication, where notification can be sent to and processed by the GAC, GNSO and the ICANN Org such that the relevant identifiers can be protected to minimize front-running registration of said identifiers. The Reconvened WG understands and acknowledges, however, that such a step is outside of ICANN's remit and the scope of this policy process; as such, its adoption is purely dependent on the Red Cross' relevant internal processes.

Recommendation #6:

The Reconvened WG recommends that a proposed correction of any errors (e.g. in translation or spelling) in the definitive list of reserved names be made only through the submission of a formal request to ICANN Organization by official representatives of the Red Cross 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.

The Reconvened WG came to full consensus for this recommendation.

Recommendation Details:

None.

End Section.

3 Deliberations of the Working Group

This Section provides an overview of the deliberations of the Reconvened WG. The points outlined below are meant to provide the reader with relevant background information on the WG's deliberations and processes, and should not be read as either final recommendations or as representing the entirety of the deliberations of the WG. The WG will not finalize its recommendations to the GNSO Council until it has conducted a thorough review of all comments received during the public comment period on this Initial Recommendations Report.

3.1 Considerations as to an Appropriate Legal Basis for Protecting Red Cross National Society and International Movement Names

This section summarizes the Reconvened WG's deliberations on what can constitute an appropriate legal basis upon which to grant permanent protection in the form of reservations for the names of the various Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. The text herein does not purport to constitute legal analysis of the applicable international and national laws and should not be referenced in that regard. The Reconvened WG relied on information regarding applicable national laws provided to it by the representatives of the Red Cross and other sources. These details may be reviewed at the following two sources:

- A briefing document that Red Cross representatives provided to the ICANN Board in 2013 and posted [here](#); and
- A [briefing document](#) prepared by ICANN staff in consultation with Red Cross representatives for a facilitated discussion between representatives of the GAC and the GNSO that took place at ICANN 58 in March of 2017.

Collectively, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and all the National Red Cross and Red Crescent Societies make up the International Movement of the Red Cross and Red Crescent (hereinafter collectively referred to as the "Movement").

National Red Cross and Red Crescent Societies are formed in each country in consequence of the country's ratification of, or accession to, the 1949 Geneva Conventions. A National Society must first be recognized by the International Committee of the Red Cross, based on a set of criteria, in order to become a component of the Movement. It may then become a member of the International Federation of Red Cross and Red Crescent Societies, which is the umbrella organization for all the National Red Cross and Red Crescent Societies.

The Movement had cited, as the legal basis for the second level protections in the domain name system, the protections afforded to the designations "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun" under international humanitarian law and national laws in force in multiple jurisdictions, not trademark law or intellectual property rights.

Article 38 of the first Geneva Convention of 1949 states that, "[a]s a compliment to Switzerland,

the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colors, is retained as the emblem and distinctive sign of the Medical Service of armed forces. Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.”¹⁰

3.2 Deliberations Regarding the Variations of Identifiers

This section summarizes the Reconvened WG’s deliberations on developing a definitive list of identifiers to be protected based on the instructions from the GNSO Council. The outcome of the WG’s deliberations resulted in two deliverables; a definitive list of identifiers for the ICRC, IFRC, and National Societies, as a part of the Movement, has been created; and a set of principles that define the allowed variations for current and future use. Both deliverables became a part of the recommendations found in Section 2 of this report.

The WG first was introduced to how the GDD technically implemented the original Board resolutions on the temporary protection of Red Cross identifiers.

- A [list](#) was supplied by Red Cross representatives during the [original PDP](#) that contained a list of formal identifiers for policy deliberations
- The original PDP did not produce a recommendation of reservation for this set of identifiers
- Subsequent GAC advice as a result of differences from original GAC advice and GNSO policy recommendation caused the Board to temporarily reserve the set of Red Cross identifiers
- In implementing the Board resolution, staff used the formal list provided during the original PDP as presented at that time without updates (note a few errors resulted in generic terms being reserved, and not the formal identifier)
- An algorithm was used to convert the 189 formal National Society identifiers into DNS Labels as shown on the current [Specification 5 list](#)
 - A description of the algorithm features can be found in the Implementation Notes of the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#)
 - Identifiers >63 characters do not qualify as proper second level domains and thus were not added to the list
 - Strings that were not based in ASCII format could not be processed within the algorithm

Based on lessons learned from implementation of the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#), staff also presented a framework that became a working draft for definitions and variant principles in building the definitive list of identifiers for proposed protection.

¹⁰ For the full text of the Geneva Conventions, see <https://www.icrc.org/ihl.nsf/INTRO/365?OpenDocument>.

- The scope of the identifiers is only that of Scope 2¹¹ as defined in the [original PDP](#) excluding acronyms and other designations not already adopted by the Board (ex. icrc, circ, mkkk, ifrc, ficr, мфкк, redstarofdavid, magendavidadom)
- A defined formula is required to process formal designations into DNS labels that are consistent with the policy recommendation (ex. English + respective official language(s))
- A key element to the formula is to properly define variant use (ex. use or omission of “the”; use or omission of “society”)
- Formal designation names are required for proper reconciliation (ex. original PDP was 189, latest count is understood to be 190¹²)
- Non-Latin character designations should include an English translation (assists with formula development and reconciliation)
- Formal designation names will allow for proper processing to DNS Labels as opposed to using Spec 5 (ex. For example, "red-cross" can likely result in "red--cross")
- Use of current Specification 5¹³ list where DNS Labels are used will likely have adverse effects on the DNS label conversion algorithm and increase reconciliation complexity
- Formal designation names that will exceed 63 characters as a DNS label should be properly documented for reconciliation purposes
- End deliverable from policy deliberation should be a four column list¹⁴:
 - Incremental count
 - Formal name/designation
 - English designation (non-Latin character names should be first defined in English)(may need to determine a rule for designations that can't be translated)
 - Respective national language (should this be the final determination of the reconvened WG)

Based on the above preliminary framework and principles, the WG then tasked the Red Cross representatives with developing a fresh list of proposed identifiers for reservation protection to better understand the span of possible variants after staff created a starter template. A list of eight National Society identifiers were submitted to the WG on January 2018. The WG then deliberated on the example definitive list to better understand the variations across Formal and Official names and their respective official language translations. A second version of the variant principles was drafted and deliberated on. This led to the Red Cross representatives engaging with each of the 191 National Societies to fully understand the identifiers they felt were well-known to their respective areas and based on the preliminary set of variants defined by the WG.

¹¹ Scope 2 Identifiers: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CIV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)

¹² As of April 2018 is now 191

¹³ Initial examples submitted to the WG were copy/paste of the productions Spec 5 list and not a list of human-readable form.

¹⁴ The final form of the definitive list contains more than this original list of criteria.

The list of all 191 National Societies was submitted in April of 2018 and predominately was a product of the list submitted as a part of this report. This latest version as attached, includes a change long from what was submitted April 2018.

The WG's initial conclusion around the variation principles can be found in Section 2 – Preliminary Recommendations.

End Section.

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4 Conclusions and Next Steps

4.1 Preliminary Conclusions

No conclusions were agreed upon beyond the recommendations presented in section 2 of the report.

4.2 Next Steps

The WG will complete the next phase of its work and develop its recommendations in a Final Report to be sent to the GNSO Council for review following its analysis of public comments received on this Initial Report.

End Section.

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5 Background

5.1 Process Background

In November 2013, the GNSO completed a Policy Development Process which resulted in a number of consensus recommendations for protecting the identifiers of International Governmental Organizations and International Non-Governmental Organizations, including the Movement, at the top and second level in all gTLDs (see PDP Working Group Final Report: <https://gns0.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>, with Minority Statements: <https://gns0.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf>).

The GNSO Council approved all the PDP consensus recommendations on 20 November 2013 (<http://gns0.icann.org/en/council/resolutions#20131120-2>) and, following a mandatory public comment period, sent its Recommendations Report to the ICANN Board on 23 January 2014 (<https://gns0.icann.org/en/issues/council-board-igo-ingo-23jan14-en.pdf>).

On 30 April 2014 the Board adopted those of the GNSO's PDP recommendations that were consistent with GAC advice on the topic, which in relation to the Movement were only for specific the terms "Red Cross", "Red Crescent", "Red Crystal", and "Red Lion & Sun" (referred to as "Scope 1 Identifiers" by the PDP Working Group) to be reserved at the top and second levels, with an Exception Procedure to be designed for the affected organization (<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>).

Between June 2014 and January 2015 the Board and the GNSO Council engaged in discussions of the remaining inconsistencies between GAC advice and GNSO policy, which in relation to the Movement concerned the names of the then-189 National Red Cross and Red Crescent Societies, and the names and acronyms of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies (referred to as "Scope 2 Identifiers" by the PDP Working Group). It should be noted that, while these discussions have been ongoing, the ICANN Board passed a resolution pursuant to which these names and acronyms have been reserved on an interim basis. As a result, the names currently under consideration by the Reconvened WG remain temporarily reserved pending the outcome of this policy amendment process.

At ICANN57 in November 2016 the Board proposed that the GAC and the GNSO engage in a facilitated, good faith discussion to attempt to resolve the remaining inconsistencies between GAC public policy advice and GNSO consensus policy recommendations regarding the "Scope 2 Identifiers" of the Movement. Representatives from the GAC and the GNSO engaged in such a facilitated, good faith discussion at ICANN58 in March 2017 during which the following matters were clarified:

1. The public policy considerations associated with protecting the 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 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 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>).

Following the GAC-GNSO discussion, the Board passed a resolution on 16 March 2017 requesting that the GNSO initiate its process for Amendments or Modifications of Approved Policies, as described in Section 16 of the GNSO PDP Manual (<https://gns0.icann.org/en/council/annex-2-pdp-manual-01sep16-en.pdf>)¹⁵, to consider amending the GNSO's approved policy concerning the specific names of the Red Cross and Red Crescent National Societies and the specific names International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies (collectively, Recommendation 5 in Section 3.1 of the PDP Working Group Final Report).

The GNSO Council agreed that the aforementioned set of exceptional circumstances provided a justifiable basis for the Council to take this extraordinary step to reconsider the policy recommendation and that this is not to be viewed as the Council's consent to reopen PDP recommendations in all cases where GNSO-developed policy is in discord with GAC advice.

The Reconvened WG began its deliberations on 14 June 2017 after the Council [resolved](#) to do so on 3 May 2017.

5.2 Issue Background

The fundamental issue underpinning the current policy discussion may be characterized as follows: within the boundaries of ICANN's Mission (as encapsulated in the ICANN Bylaws), what

¹⁵ Section 16 of the GNSO's [PDP Manual](#) provides that (with emphasis added): "*Approved GNSO Council policies may be modified or amended by the GNSO Council **at any time prior to the final approval by the ICANN Board** as follows:*

- *The PDP Team is reconvened or, if disbanded, reformed, and should be **consulted with regards to the proposed amendments or modifications**;*
- *The proposed amendments or modifications are posted for **public comment** for not less than thirty (30) days;*
- *The GNSO Council approves of such amendments or modifications with a **Supermajority Vote of both Houses** in favour.*

Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue."

is the appropriate form and scope of second level protection in the domain name system for the names of the Red Cross National Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies? In considering this issue, previous policy discussions as well as the facilitated GAC-GNSO dialogue that took place at ICANN58 in March 2017 had noted that the Movement and the GAC have pointed to international humanitarian law and multiple national laws, rather than trademark and intellectual property law, as the appropriate legal basis for protecting identifiers most closely associated with the Movement. The GAC has also highlighted the global public interest in protecting these identifiers against fraud and abuse.

The Geneva Conventions of 1949 and their Additional Protocols protect the emblems of the Red Cross and Red Crescent Movement and their designations (“Red Cross”, “Red Crescent”, “Red Lion and Sun” and “Red Crystal”) from misuse¹⁶ and national legislation in many countries confers similar protection for the names and certain words associated with the Red Cross and Red Crescent. Notably, the 2016 Commentary to Article 53 of the first Geneva Convention affirms “the special nature and status of the distinctive emblems. This status may be regarded as genuinely unique under international law”¹⁷ and goes on to note that, while there are other international symbols that enjoy a certain level of protection under international law (such as the emblem and flag of the United Nations), “the very wide prohibition on the use of the distinctive emblems by third parties set out under Article 53, coupled with the positive obligation of States, established in Article 54, to take appropriate national measures to repress instances of abuse and misuse, constitutes a level of protection over and above that afforded to other internationally recognized signs.”¹⁸

In the original PDP that was completed in 2013, the PDP Working Group had recommended that what it had categorized as “Scope 2 Identifiers”¹⁹ should be protected by way of bulk entry into

¹⁶ See, e.g. Article 53 of the 1949 Geneva Convention: “The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation “Red Cross” or “Geneva Cross”, or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.” prohibition covers use of the emblems in both their protective and indicative senses. Use of the emblems and of their designations is governed by the four Geneva Conventions, Additional Protocols I and II of 1977, Additional Protocol III of 2005, and national legislation. All UN member states have ratified the four Conventions, which as of 15 January 2017 have been ratified or acceded to by a total of 196 states. The full list of States can be found at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=365.

¹⁷ See Paragraph 3067, at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=57F199148260B5AFC1257F7A00579E9B>.

¹⁸ At Paragraph 3073.

¹⁹ The PDP Working Group used the term “Scope 2 identifiers” to refer to the then-189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (in English, as well as in their respective national languages; ICRC & IFRC (in the six official UN languages). The list was

the Trademark Clearinghouse (a repository of validated rights that had been created for trademark owners as part of the 2012 New gTLD Program). Through the Clearinghouse, these identifiers would then be eligible to participate in the 90-day Claims Notification phase of each new gTLD launch applicable to second level domain name registrations. In contrast, GAC advice to the ICANN Board has been for permanent protections for these “Scope 2 Identifiers”. The inconsistencies between the GNSO’s policy recommendations and GAC advice on these identifiers led to the ICANN Board approving those GNSO policy recommendations that were consistent with GAC advice (essentially, for present purposes, the specific names “Red Cross”, “Red Crescent”, “Red Crystal” and “Red Lion & Sun”) and adopting temporary reservations protections for the “Scope 2 Identifiers”.

This Reconvened WG therefore considered and deliberated on both the legal and process background that led to the GNSO Council’s decision to reconvene the group for consultation as to possibly amending the 2013 GNSO policy recommendations concerning the “Scope 2 Identifiers”. It should be noted, however, that where the “Scope 2 Identifiers” (and corresponding GAC advice) include the acronyms for the international names of the Movement, these have not been included within the scope of the current policy amendment process. As a result, and even following the conclusion of the work of this Reconvened WG, it will be necessary for the ICANN Board and community to consider the appropriate course of action in relation to these specific acronyms.

provided by the Red Cross: see <https://gnso.icann.org/en/issues/igo-ingo-final-rcrc-scope-names-10nov13-en.pdf>.

6 Approach Taken by the Working Group

6.1 Working Methodology

The Reconvened WG began its deliberations on 14 June 2017. It decided to continue its work primarily through monthly conference calls, in addition to email exchanges on its mailing list, with further discussions taking place at ICANN Public Meetings when scheduled. All the WG’s meetings are documented on its [wiki workspace](#), including its [mailing list](#), draft documents, and background materials.

6.1.1 WG Membership and Attendance

There were a total of nine meetings leading up to this initial report, which does not include face to face meetings at ICANN61. The table below only contains the members that reconfirmed their intent to participate in the consensus call. A secondary table of Observers (prior members) can be found on the [wiki attendance page](#).

Name	Affiliation	SOI	Meetings Attended
Alan Greenberg	At-Large	SOI	3
Christopher Lamb	Red Cross Red Crescent (Australian Red Cross)	SOI	0 (8-A)
Chuck Gomes	Individual	SOI	6 (2-A)
Crystal Ondo	RySG	SOI	1
David Maher	RySG	SOI	9
Greg Shatan	IPC	SOI	6 (1-A)
Giacomo Mazzone	GAC	SOI	3
Jim Bikoff	IPC/IOC	SOI	1
Jorge Cancio	GAC	SOI	4
Lucie Laplante	IFRC General Counsel and Head of the Legal Department	SOI	0
Mike Rodenbaugh	IPC	SOI	0
Osvaldo Novoa	ISPCP	SOI	4 (1-A)
Poncelet Ileleji	NPOC	SOI	2
Stephane Hankins	Red Cross Red Crescent (International Committee of the Red Cross)	SOI	9
Thomas Rickert	NCA - Chair	SOI	9
Heather Forrest - GNSO Chair	IPC	SOI	7

The Statements of Interest of the Reconvened WG members can be found on the WG's [wiki page](#).

The attendance records can be found on the WG's [wiki page](#), and the email archives can be found [here](#).

* The following are the ICANN SO/ACs and GNSO Stakeholder Groups and Constituencies for which WG members provided affiliations:

RrSG – Registrar Stakeholder Group
RySG – Registry Stakeholder Group
CBUC – Commercial and Business Users Constituency
NCUC – Non-Commercial Users Constituency
IPC – Intellectual Property Constituency
ISPCP – Internet Service and Connection Providers Constituency
NPOC – Not-for-Profit Organizations Constituency
GAC – Governmental Advisory Committee

** This list was accurate as of the publication of this report. Note that some members joined the WG only after it began meeting, and WG members that have since left are indicated with ++ against their names.

7 Community Input

7.1 Request for Input and Public Comment

In accordance with the GNSO Council's May 2017 resolution reconvening the PDP Working Group and the process outlined in Section 16 of the PDP Manual governing this policy amendment process, this Initial Recommendations Report will be published for a minimum of a 30-day public comment period, following which the Reconvened WG will review those inputs in preparation of its Final Report. The results of the WG's review of the comments received will be documented in its Final Report when that is submitted to the GNSO Council.

Community input from the original IGO-INGO WG can be found in its [Final Report](#) and on its [project page](#).

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8 Annex A - Charter

This Reconvened WG was not new, formally chartered PDP Working Group. Instead, the GNSO Council reconvened the original PDP Working Group in accordance with the process outlined in Section 16 of the PDP Manual, in order to conduct this policy amendment process. The scope of work of this Reconvened WG and its operations can be found in the GNSO Council's instruction to consider an amendment to an approved policy as adopted by [resolution](#) on 3 May 2017.

The original WG's [charter](#) can be found on its [project page](#).

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