PROPOSAL FOR PROTECTION OF INTERNATIONAL OLYMPIC COMMITTEE
AND RED CROSS/RED CRESCENT NAMES AT THE TOP LEVEL

In the current version of the Applicant Guidebook, Section 2.2.1.2.3 extends limited protections to identical matches of certain IOC and RCRC terms at the top-level. However, this Section does not provide for protections of the IOC or RCRC in all foreign languages, nor does it invoke “String Similarity Review”, for strings that may be confusingly similar at the top level, such as “.olympics, .olympix, .redkross, .redkresent, etc.). In addition, the current Applicant Guidebook would not only prevent third parties from applying for the IOC or RCRC terms, but it would also not allow the IOC or RCRC to obtain these strings should they desire to do so.

The Drafting Team proposes the following solution:

Recommendation 1: Treat the terms set forth in Section 2.2.1.2.3 as “Modified Reserved Names,” meaning:

a) The Modified Reserved Names are available as gTLD strings to the International Olympic Committee (hereafter the “IOC”), International Red Cross and Red Crescent Movement (hereafter “RCRC”) and their respective components, as applicable.

b) Applied-for gTLD strings, other than those applied for by the IOC or RCRC, are reviewed during the String Similarity review to determine whether they are similar to these Modified Reserved Names. An application for a gTLD string that is identified as confusingly similar to a Modified Reserved Name will not pass this initial review.

c) If an application fails to pass initial string similarity review:

i. And the applied-for TLD identically matches any of the Modified Reserved Names (e.g., "Olympic" or "RedCross"), it cannot be registered by anyone other than the IOC or the RCRC, as applicable.

ii. If the applied-for TLD is not identical to any of the Modified Reserved Names, but fails initial string similarity review with one of Modified Reserved Names, the applicant may attempt to override the string similarity failure by:

1. Seeking a letter of non-objection from the IOC or the RCRC, as applicable; or

2. If it cannot obtain a letter of non-objection, the applicant must:

   a. claim to have a legitimate interest in the string, and demonstrate the basis for this claim; and
b. explain why it believes that the new TLD is not confusingly similar to one of the protected strings and makes evident that it does not refer to the IOC, RCRC or any Olympic or Red Cross Red Crescent activity.

3. A determination in favor of the applicant under the above provision (ii)(2) above would not preclude the IOC, RCRC or other interested parties from bringing a legal rights objection or otherwise contesting the determination.

4. The existence of a TLD that has received a letter of non-objection by the IOC or RCRC pursuant to (ii)(1), or has been approved pursuant to (ii)(2) shall not preclude the IOC or RCRC from obtaining one of the applicable Modified Reserved Names in any round of new gTLD applications.

Recommendation 2: Protect the IOC/RCRC Terms in as many Languages as Feasible

The GAC has proposed that the IOC and RCRC “names should be protected in multiple languages—all translations of the listed names in languages used on the Internet…The lists of protected names that the IOC and RC/RC have provided are illustrative and representative, not exhaustive.” Although the Drafting Team agrees with the notion that the lists provided by the IOC and RCRC were illustrative, protecting the terms in every language on the Internet is not a standard that the Drafting Team believes is feasible to achieve. While it is true that the list of languages can be expanded, we recognize that in order to perform a String Similarity Review (as recommended above), a definitive objective list of languages must be created. It is the Drafting Team’s understanding that representatives from the IOC and RCRC are working on the creation of that definitive list and should be able to present that to the Drafting Team by no later than the ICANN Meeting in Costa Rica. If such a list can be produced, the Drafting Team may recommend the use of that list as a substitute to that currently in the Applicant Guidebook.

In addition, the Drafting Team also notes that even in the unlikely event that a third party applies for an IOC or RCRC term in a language that was not contained on the list, the IOC or RCRC, as applicable, may still file an applicable objection as set forth in the Applicant Guidebook.

Recommendation 3: Protections should apply for all future rounds, but may be reviewed after the first round.

In its proposal, the GAC has recommended that the protections for the IOC and RCRC should not just apply during the first round of new gTLDs, but should be a permanent protection afforded for all subsequent rounds. Although, the Drafting Team has not spent a lot of time discussing this topic, it does agree with the notion that it is making this recommendation as one intended to apply in all future rounds, but also recognizes that like all other aspects of the new
gTLD program, these protections may be reviewed by the ICANN community should it desire to do so.