

Public Comment Review Tool – Protection of IGO and INGO Identifiers in All gTLDs – Final Report

Updated 08 November 2013 – For complete submissions, please see <http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/>

***Abstracts added to each comment are a short summary of the submission and it's meant to facilitate a quicker response and possible action for the WG.

Feedback Legend: [SH: Stephane Hankins] [CG: Chuck Gomes] [AG: Alan Greenberg] [GS: Greg Shatan] [TR: Thomas Rickert]

#	Comment	Who / Where	WG Response	Action Taken
General Comments				
1.	<p>ABSTRACT: Refer to RySG spreadsheet</p> <p>The RySG support for all of the recommendations in the Draft Final Report of the IGO-INGO PDP WG are detailed in the attached spreadsheet. Note that the spreadsheet contains seven workbook tabs that each show the RySG support position for multiple recommendations for the applicable categories:</p> <ol style="list-style-type: none"> 1. RCRC 2. IOC 3. IGOs 4. INGOs 5. General Recommendations 6. Existing gTLD Implementation 7. Exception Procedure Options <p>In addition to the RySG support position for each recommendation, each workbook (tab) shows the following:</p> <ul style="list-style-type: none"> • Total # of voting members • # of voting members who voted • # of voting members who voted in support of the recommendation • % of total voting member support • % of support from voting members who voted • Comments submitted by individual members. <p>For all recommendations except for one, there was greater than super-majority (2/3) support for the position shown. The one exception was for Recommendation 8 in the INGO workbook; the RySG did not support this recommendation because only 50% of voting members voted in favor. The RySG will continue to support the WG as they perform the final steps of incorporating public comments into a final report and deliver it to the GNSO Council.</p> <p>Refer to submitted spreadsheet for details: http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00014.html</p>	RySG / Public Comment	10/16 - WG reviewed RySG position via the spreadsheet provided. The WG acknowledged the input provided and incorporated a few actions.	<p>Reviewed Exception procedure options for top and second level to enhance requirements in consideration of implementation.</p> <p>Confirmed final levels of consensus across the stakeholders for each recommendation in the final report.</p>
2.	<p>ABSTRACT: Participant does not support any recommendation to reserve strings and if any reservations were created that it will disrupt the internet market place.</p>	Charles Christopher / Public	10/16 - Noted and WG acknowledges these comments have been discussed within WG	No actions taken

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	<p>ICANN is demonstrating that is has lost track of what really matter, its actions have become misaligned with the public domain they oversee.</p> <p>Trademark law has been evolved over THOUSANDS of years. Todays embodiment of those ideas includes the notion that no person or entity may have exclusive rights to a mark across all goods and services unless that entity is so famous that the use of the mark by any other entity would be confusing to the public. This allows multiple holders of the exact same mark to coexist (and here we're only talking about in one country as this is true none-the-less in multiple countries) because they are obviously different; re do not cause CONFUSION. In fact the very nature of top level domains is the DIFFERENCE between the names sharing second level strings! You cant have it both ways.</p> <p>The mission creep of ignoring the unique value a string may provide an unrelated entity is unacceptable. I consider this proposal to be institutionalized reverse domain name hijacking. Any entity able to get their string "on the list" then having the right to take or dezone unrelated entities domains. Saying that this policy is limited to, for example the Red Cross, is foolish as any reasonable person can see the door is being opened for others who have influence and "take their domains" for others.</p> <p>The more policies like this that are implemented the less innovation we will see. This will have a chilling effect regarding investing in a unique internet business ("domain name") when ICANN one day may feel the domain is someone elses "property"?</p> <p>The RedCross, and those using .INT for example, have there own special place on the internet, and unique address different than all others.</p> <p>"stupid is as stupid does" - Forrest Gump</p> <p>People who cant figure out they are or are not at the right website will not be saved by any level of guidance, they are lost from the start. With 4% world GDP now on the internet and growing, naming seems to work just fine ..</p> <p>PLEASE STOP TINKERING! Do not create a class of privileged of domains registrants!</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-</p>	<p>Comments</p>	<p>deliberations and has considered this issue.</p>	

#	Comment	Who / Where	WG Response	Action Taken
	20sep13/msg00016.html			
3.	<p>ABSTRACT: Participant does not support any recommendation to reserve strings in all TLDs; nor recovery of domains within incumbent TLDs</p> <p>It appears that you who are in charge of an organization whose is to protect and serve have possibly made an error in judgment. Allowing confiscation of acronyms for IGO's and INGO's seems At the least unfair to the general public. We are trying to preserve Peace and live in a fair and non violent world. This action seems To just take from those who have, to give to those that desire.</p> <p>I just seems unreasonable to TAKE acronyms and short generic Names from any gtld or cctld or tld.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00010.html</p>	Ed Lehmann / Public Comment	<p>10/16 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>The WG does not recommend confiscation of acronyms.</p>	No actions taken
4.	<p>ABSTRACT: Encourage WG to continue support of Recommendations in Section 5.1 (recs #1, 4,5, & 8) and encourage WG to endorse Recommendations in Section 5.1 (recs #2, 3, 6, 7)</p> <p><i>Protection of the designations “Red Cross”, “Red Crescent”, “Red Lion and Sun” and “Red Crystal”</i></p> <p>We note with appreciation Recommendations 1 and 5 of section 5.1 of the Draft Final Report, which aim to confirm the permanent reservation of the designations from top and second level registration in the current round and in all future rounds of application.</p> <p>We also support Recommendations 4 and 8 of section 5.1 of the Draft Final Report, as these effectively place the designations on a “Modified Reserved Names List”. This would importantly preserve the entitlement of Red Cross and Red Crescent organizations to register relevant domain names should they require to do so. This would also conform with the above-mentioned international treaties and norms, which provide for use of the designations by the respective Red Cross and Red Crescent organizations to show their membership of the Movement.</p> <p>We therefore encourage the GNSO to confirm Recommendations 1, 4, 5 and 8 of section 5.1 of the Draft Final Report and the Board of ICANN to make permanent the measures of implementation of these protections at top and second levels.</p> <p><i>Protection of the names of the respective Red Cross and Red Crescent</i></p>	National Red Cross and National Red Crescent Societies / Public Comment	<p>11/6 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>SH: Flag public comment is submitted by group of National Red Cross Red Crescent Societies. Signed by 45 societies. Recall the concern of the RCRC Societies, that their names be considered. They recognize that consensus was not achieved. Restating the importance that these names be protected under their domestic jurisdiction.</p>	No actions taken

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	<p data-bbox="181 140 338 164"><i>organizations</i></p> <p data-bbox="181 204 1016 360">The signatory National Red Cross and Red Crescent Societies to this Public Comment note, with regret, that the listed recommendations aiming for the permanent protections of the names (identifiers) of the respective Red Cross and Red Crescent organizations did not meet the consensus of the Working Group (referred to in the Draft Final Report as Scope 2 Identifiers).</p> <p data-bbox="181 400 1010 491">For clarification, the Movement’s objective in this regard is to secure permanent protection of the full names of the respective Red Cross and Red Crescent organizations, these being:</p> <ul data-bbox="181 531 1043 687" style="list-style-type: none"> - the names of the 189 recognised National Red Cross and Red Crescent Societies in English and in relevant official national languages; - the names of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies in the six UN languages, as well as the usual initials of both organizations (ICRC and IFRC). <p data-bbox="181 727 1030 884">This would ensure that the reservation covers both the designations (e.g. Red Cross, Red Crescent) and the full names of the Red Cross and Red Crescent organizations in which they are used, such as “American Red Cross”, “Croix-Rouge française”, or “Egyptian Red Crescent”, in the official languages of their respective States of origin.</p> <p data-bbox="181 924 969 1015">It would also ensure that the names of Red Cross and Red Crescent organizations are at all times protected from registration in a preventive manner.</p> <p data-bbox="181 1054 1050 1377">We would also like to express our support for the adoption of an early warning mechanism which allows Red Cross and Red Crescent organizations to address and prevent the registration of strings confusingly similar to the Red Cross and Red Crescent designations and related names at the top and second levels. This would reflect the provisions of international humanitarian law which expressly prohibit unauthorised use, at all times, of imitations of the designations (Article 53 of the First Geneva Convention). Illustrations of such imitations include, for example, ‘Red Kross’ or ‘Redd Crescent’. The Red Cross and Red Crescent organizations have in this context offered their support to the development of a new mechanism to effectively address the issue of confusingly similar strings.</p> <p data-bbox="181 1417 1037 1474">We therefore encourage the GNSO to endorse Recommendations 2, 3, 6 and 7 of section 5.1 of the Final Report, and encourage ICANN’s Board to adopt the</p>			

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	<p>necessary implementation measures required for their implementation.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00018.html</p>			
5.	<p>1. The ALAC is particularly concerned that granting blocking-level protections may prohibit other reasonable uses of the same strings and the ALAC is not satisfied that the exception procedures outlined in the report would be effective.</p> <p>2. This being the case, it may be important to consider the principles that guided the ALAC, in our participation in the activities that led to this report, and that the ALAC believes should guide ICANN in considering any special protections.</p> <p style="padding-left: 20px;">a. ICANN should grant special protection to organizations that further the public interest and in particular, those with a strong track record of humanitarian activities. However, such protections should only be granted where there is a history or reasonable expectation that the lack of protections would lead to the misrepresentation of the organizations, fraud, deliberate confusion, or other malfeasance.</p> <p style="padding-left: 20px;">b. Such protections, when granted, should not unreasonably impinge on the ability of others with a valid right to use the protected string, from registering such names for uses which do not negatively impact the protected organization nor use to the protected name with the intent to deceive users. Formal trademarks should not be necessary to demonstrate such a right.</p> <p style="padding-left: 20px;">c. The procedures used to grant the protection exceptions identified in number 2 must be both inexpensive and fast.</p> <p style="padding-left: 20px;">d. No top level protections are necessary. Existing or new objection processes are sufficient.</p> <p>This ALAC Statement is intended to serve the triple purpose of being a reply to the Public Comment on the Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs, an ALAC Minority Statement to be attached to the Final Report (modified as necessary based on the content of the Final Report compared to the draft version), and a Statement of Advice to the ICANN Board. The ALAC has made a number of Statements on the protection of IGO and INGO names, and has participated actively in all GNSO activities related to this topic. Our views specific outcomes of this PDP are at the end of this Statement. Given the wide range of views expressed in this paper, and noting that nothing presented here has received the unanimous support of the PDP Working Group, the ALAC would like to take this opportunity to comment on the nature of the Recommendations as well as identify the principles that have guided its</p>	Olivier Crépin-Leblond / Public Comment	<p>CG: Our response regarding the exception procedure, we could recommend that their comment be consider when the exception procedure is worked on and finalize by the IRT. Recognize that more work is necessary.</p> <p>AG: Written not asking for WG responses. Likely to form basis for minority position. The part that was not mentioned, WG sum total of recommendations cannot be implemented as a whole. That conclusion will have to pick and choose to make a consistent and whole policy. There will have to be further work at some level. Report was clear is that this is basis for a start of the discussion.</p>	Updated Final Report to reflect the actions required of the Implementation Review Team. Reconciled the ALAC position on the WG's recommendations where support/no support was submitted.

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	<p>positions.</p> <p>The Draft Final Report includes a wide variety of “Recommendations” reflecting widely disparate levels of consensus. Not a single one was agreed to by all WG members (Full Consensus), a level of support that is more typical of most GNSO PDPs. For many, the WG views are Divergent.¹ It is unclear to the ALAC exactly how the GNSO and then the Board is supposed to treat such a mixed and confusing set of outcomes. Moreover, even if only the Recommendations with some level of consensus were implemented, there is no assurance that they form a cohesive and consistent set of policies.</p> <p>The ALAC is particularly concerned that granting blocking-level protections may prohibit other reasonable uses of the same strings and the ALAC is not satisfied that the exception procedures outlined in the report would be effective.</p> <p>This being the case, it may be important to consider the principles that guided the ALAC, in our participation in the activities that led to this report, and that the ALAC believes should guide ICANN in considering any special protections.</p> <ol style="list-style-type: none"> 1. ICANN should grant special protection to organizations that further the public interest and in particular, those with a strong track record of humanitarian activities. However, such protections should only be granted where there is a history or reasonable expectation that the lack of protections would lead to the misrepresentation of the organizations, fraud, deliberate confusion, or other malfeasance. 2. Such protections, when granted, should not unreasonably impinge on the ability of others with a valid right to use the protected string, from registering such names for uses which do not negatively impact the protected organization nor use to the protected name with the intent to deceive users. Formal trademarks should not be necessary to demonstrate such a right.² 3. The procedures used to grant the protection exceptions identified in number 2 must be both inexpensive and fast. 4. No top level protections are necessary. Existing or new objection processes are sufficient. <p>¹ In one case, the views were represented as being “divergent” where in fact there was a strong consensus that the Recommendation NOT be implemented.</p> <p>² Although not a gTLD, cern.ca is a good example. The Centre d'exposition de Rouyn-Noranda in northern Quebec has no connection or even a vague relationship with the Conseil Européen pour la Recherche Nucléaire, but they do happen to share an acronym. In the gTLD space, Olympic.diy is a prime example of a new registration that might not be allowed under the proposed rules even though the TLD (diy = Do-it-yourself) is a logical registration for Olympic Paints.</p>			

#	Comment	Who / Where	WG Response	Action Taken
	http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00020.html			
6.	<p>ABSTRACT: CBUC provided detailed response on their support / no support for each for each of the WG positions. Refer to their attached Word Document.</p> <p>Background: This document is the response of the ICANN Business Constituency (BC) to ICANN’s public comment period on the Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs. The BC’s comments arise from the perspective of business users, as defined in our Charter: The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:</p> <ul style="list-style-type: none"> • promotes end-- - user confidence because it is a safe place to conduct business • is competitive in the supply of registry and registrar and related services and • is technically stable, secure and reliable. <p>Comments: The BC offers comments on each of the recommendations in the Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs, as described in the table beginning on page 25 of the draft report.</p> <p>Business Constituency Charter, at http://www.bizconst.org/charter.htm.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00021.html</p>	Steve DelBianco / Public Comment	<p>11/6 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>WG reviewed each of the sections of the CBUC public comment. RCRC and IOC recommendations were supported. A few recommendations for the IGO-INGOs varied from current assigned consensus levels.</p>	<p>Updated Final Report & Consensus Call document to reflect the position of the CBUC on each of the WG’s recommendations. Their position submission required a review of the assigned consensus levels.</p>
TOP-LEVEL PROTECTIONS				
7.	<p>ABSTRACT: Association can support reservation protection of exact match full names at the top-level, but does not support any recommendation to reserve acronyms. However, they note existing new gTLD objections processes are sufficient to prevent application of a protected identifier.</p> <p>In regard to the top level of new gTLDs, we generally favor full protection for exact matches of the full name of all the IGOs and INGOs addressed by the Report by barring their registration by third parties -- but we oppose such blanket, registration-blocking protection of exact matches of their acronyms. We doubt that any party would make the very substantial time and monetary investment to apply for a .acronym registry with the intent of confusing the public in regard to its ownership, sponsorship, or purpose, but in the highly unlikely event that such a situation were to occur it could be readily addressed</p>	ICA / Public Comments	<p>10/16 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>The WG does not recommend blocking or reserving acronyms.</p>	<p>No actions taken</p>

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	<p>by existing objection processes for new gTLDs as well as by GAC advice.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00009.html</p>			
SECOND-LEVEL PROTECTIONS				
8.	<p>ABSTRACT: Association supports reservation and/or TM Claims protection of exact match full names at the second-level, but does not support any recommendation to reserve acronyms or use of Claims notifications. They support the possible use of curative RPMs.</p> <p>In regard to the second level of new gTLDs, we generally favor full protection through registration blocking for exact matches of the full name of all IGOs and INGOs addressed by the Report --but we oppose blanket protection of exact matches of their acronyms as any misuse could be addressed by existing second level arbitration procedures.</p> <p>In regard to the Trademark Clearinghouse (TMCH), which is only relevant to new gTLDs -- we would support inclusion in the TMCH of exact matches of the full name of all the IGOs and INGOs addressed by the Report in the – but only if the Trademark Notice generated by an attempt to register such a name differentiates between trademark rights and the “rights” held in such name by an IGO or INGO that has not trademarked its name.</p> <p>We oppose inclusion in the TMCH of the exact matches of acronyms of all the IGOs and INGOs addressed by the Report. We do not oppose allowing affected organizations to utilize the curative rights of the UDRP (at new or incumbent gTLDs) or URS (only available at new gTLDs at this time) dispute arbitration mechanisms if they believe that a particular domain using such exact match has been registered and used in bad faith; that is, in such a manner as to deceive and mislead the public that the particular website is being operated by or has been endorsed by the relevant IGO or INGO. As the UDRP currently exists solely to protect trademark rights, and as the URS is a narrow supplement to the UDRP with a similar focus on trademarks and a higher burden of proof, care must be taken in the implementation of such an expansion of their utilization to precisely define the exact nature and scope of the rights that are eligible for such arbitration actions and the factors to be considered by arbitration panelists.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00009.html</p>	ICA / Public Comments	10/16 - Levels of support for the current recommendations align with regard to no protections of acronyms, and only reservation of full names with further distinction between TMs in the TMCH and that of an IGO or INGO.	<p>Comments RE: UDRP URS recommendation will include a completed Issue Report template.</p> <p>Issue Report template added to Annex 4</p>

#	Comment	Who / Where	WG Response	Action Taken
Eligibility Criteria				
9.	<p>ABSTRACT: Participant supports protection of IGO acronyms. IGOs do have a legal basis for reservation protection of acronym identifiers and it is also consistent with ICANN's mission.</p> <p>IGOs represent a wide range of essential public interests. For this reason, they enjoy a special status under public international law, which clearly places them in a different category than other DNS stakeholders:</p> <ul style="list-style-type: none"> · IGOs work towards cooperation between governments on vital issues and humanitarian causes; · IGOs are created by treaty, they are the subject of international law like States, and they deserve the same treatment; · IGOs are funded primarily by public funds provided by their Member States. <p>Abusive registration of IGO names and acronyms imposes serious enforcement burden on IGOs, which should not have had to divert their public resources for this purpose;</p> <ul style="list-style-type: none"> · IGOs and the public interests which they represent, are particularly vulnerable to misuse, fraud and confusion with respect to their identities on the Internet; · IGOs enjoy certain immunities from legal process in order to protect their neutrality and impartiality from national influence. <p>The names and acronyms of IGOs are protected by international treaties within the scope of Article 6*ter *of the Paris Convention for the Protection of Industrial Property, as further extended by Article 16 of the Trademark Law Treaty and Article 2 of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights. As a result, an overwhelming majority of jurisdictions in the world protect the names and acronyms of IGOs either by direct application of their treaty obligations or by enacting national legislation.</p> <p>The governing bodies of some IGOs have also adopted decisions requesting their Member States to protect the identifiers of those organizations from unauthorized use.</p> <p>Protection of the names and acronyms of IGOs is also consistent with ICANN's mission, which includes, *inter alia, *protecting consumers from abuse in connection with the new gTLD program. Furthermore, ICANN's founding documents require ICANN to carry out its activities in conformity with relevant principles of international law and applicable international conventions and to cooperate with relevant international organizations (Articles of Incorporation, Article 4) and to duly take into account governments' and public authorities' recommendations, recognising that public authorities are responsible for public</p>	Sergio De Gregori / Public Comment	10/16 - The WG discussed these issues extensively and acknowledges that IGOs and INGOs serve the public interest and it was also noted that public interest also involves the rights of others.	No actions taken

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	<p>policy (By-Laws, Article 11).</p> <p>Abusive registration of IGO names and acronyms harms the causes which IGOs represent (public health, labour practices, food security, peacekeeping operations, containment of weapons proliferation, sustainable economic and social development and reconstruction, trade and commerce standards, children's rights, refugees, disaster relief, fundamental scientific research and other public policies). It is incumbent on ICANN as the mandating agency of the domain name system to implement appropriate policy measures to help mitigate these harms.</p> <p>ICANN's development of the domain name system must therefore demonstrate a capacity for serving that public interest within existing legal norms.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00006.html</p>			
10.	<p>ABSTRACT: Summary of Legal Basis for Support</p> <p>Having been actively engaged in this long-standing issue, National Red Cross and National Red Crescent Societies wish to reiterate our firm support for the permanent protection of the “Red Cross”, “Red Crescent” and “Red Crystal” designations and related names from registration as top and second level domain names. In this regard we support the submissions of the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC), the two international components of the International Red Cross and Red Crescent Movement (the Movement).</p> <p>The protection of these designations stems from the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005, as well as from the legislation in force in over 130 countries (a selection of the latter was identified in the research undertaken by ICANN’s General Counsel, as set out in Annex 4 to the Draft Final Report). Like the distinctive emblems of the red cross and red crescent to which they relate, their primary use is by the Medical Service of countries’ armed forces in times of armed conflict. They also form part of the names of Red Cross and Red Crescent organizations, in order to show their membership in the International Red Cross and Red Crescent Movement. On this basis, the distinctive emblems and their designations play an essential function in wartime and in other humanitarian emergencies, and are protected by international and national laws at all times. Their misuse or unauthorised use risks undermining their special meaning and purpose.</p>	National Red Cross and National Red Crescent Societies / Public Comment	11/6 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.	No actions taken

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	http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00018.html			
Exception Procedures				
11.	<p>ABSTRACT: Exception Procedure should be amended for third parties and reflect co-existence principles under international law.</p> <p><i>Re: Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs</i></p> <p>We support the Working Group’s efforts to create a policy framework to provide a degree of protection for the names and acronyms of the Red Cross, International Olympic Committee, IGOs, and INGOs. We also welcome the considered Advice of the GAC on this topic.</p> <p>Like other trademark owners, the burden these entities face in policing abuses of their names in the DNS risks being exacerbated in an expanded DNS. We therefore support the overarching goal of minimizing such abuse, and the consumer confusion that often follows.¹</p> <p>It is critical however, that ICANN policies are founded on, and reflect, existing laws.</p> <p>The Working Group recommends that “an exception procedure should be created for cases where a protected organization wishes to apply for their protected string”.</p> <p>This must be amended to allow legitimate third parties to apply for a protected string. In this way, the recommendation would appropriately reflect co-existence principles recognized in the applicable underlying international laws.²</p> <p>To the extent ICANN policies fail to appropriately reflect relevant existing laws, ICANN risks exposing itself to criticism that it is inappropriately creating new international law.</p> <p>1 To that end, to the extent ICANN considers extending (Trademark) Claims Notifications in perpetuity, this service should be provided to all owners of TMCH-validated rights.</p> <p>2 See, e.g., Article 6ter of the Paris Convention (www.wipo.int/article6ter/en/legal_texts/article_6ter.htm) “[a prohibition on the use of an IGO name as a mark] shall not be required...when the use or registration...is not of such a nature as to...mislead the public”, and USPTO Trademark Manual of Examining Procedure §1205.02 (http://tmep.uspto.gov/RDMS/detail/manual/TMEP/Oct2013/d1e2.xml#/manual/TMEP/Oct2013/TMEP-1200d1e4645.xml) “the examining attorney [may] refuse registration [of a mark] on the ground that the mark comprises matter that may falsely suggest a connection with [an IGO].”</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00018.html</p>	Brian Beckham / Public Comment	11/6 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.	The Exception Procedures section of the report was reviewed by the WG for any changes that required to reflect the stated comment.

#	Comment	Who / Where	WG Response	Action Taken
	20sep13/msg00019.html			
POLICY IN INCUMBENT GTLDS				
12.	<p>ABSTRACT: No support for policy changes that would affect the rights of existing domain names. Even for new gTLDs, such protections are not warranted. The most famous marks of IGOs already have strong protection in law, and can be asserted via existing policies like the UDRP. Any changes, at most, should only affect freshly registered domain names (e.g. in new gTLDs), so that registrants were aware of the policy *before* they registered such names. If there are to be any policy changes, they should be designed in such a way to subsidize UDRP costs for qualified IGOs, rather than maintaining reserve lists. That can address real abuse in a cost-effective manner. Where no significant abuse occurs, ICANN should not be considering policy changes.</p> <p>Thank you for the opportunity to comment on this draft report. It's disturbing that this workgroup is even *considering* making enormous and profound changes to the rights of existing registrants of short domains (acronyms, etc.) in existing gTLDs. .com has been in existence since 1985, nearly 30 years. The UDRP has existed since 1999. If there had been substantial abuse of those domains, there was ample time for IGOs to assert their rights via existing processes and laws.</p> <p>...Essentially, that is what some voices in this working group are proposing, that some "preferred group" have an extraordinary power, not granted by legitimate law, to obtain another party's valuable asset, or restrict its ability to be transferred. Even bringing up the *potential* for such a loss would cause a *decrease* in website and internet development, due to the inherent uncertainty created. It's like investing in Russia or Venezuela, where one has to constantly look over one's shoulder to make sure the government won't expropriate one's assets. It would chill the entire marketplace and internet economy.</p> <p>As long as such transfers do not violate the law, ICANN should keep its nose out of such matters and not interfere, especially when there are no good policy reasons to do so (i.e. there needs to be supporting economic and statistical data in the event of such profound policy changes, as per the Affirmation of Commitments).</p> <p>....Clearly, under the reasoning of some of the minority participants in this working group, highly valued domains such as these that are owned by legitimate enterprises would be under threat, and it is shocking that this working group would even seriously entertain the notion. First they come for</p>	George Kirikos / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that may have been used in the past.</p>	Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.

#	Comment	Who / Where	WG Response	Action Taken
	<p>the short domains, and then they'll come for *your* domain....</p> <p>Existing registrants might not even be able to transfer their domains to a good-faith purchaser, if some minority positions are accepted, thereby devaluing their property (as discussed above). For instance, one IGO on the list at: http://csonet.org/content/documents/E2011INF4.pdf is "Socialist International" (picked on purpose, obviously). Assuming their acronym is "SI", should they have rights over SI.com, owned by Sports Illustrated?.... Such transfers should not be interfered with by any policy change, as it would effectively be stealing from existing registrants (i.e. perhaps not immediately, but it would affect their future rights to maximize the realization of their assets). It would be an intrusion into the market economy, in order to impose benefits upon a very select few (i.e. IGOs whose names are not being abused). It would be destructive and have widespread and unintended consequences.</p> <p>.....So, we are not talking about a small number of very famous IGOs, but thousands of obscure groups that randomly have acronyms that should be available to be used by anyone (as long as it's not violating 3rd party rights). Certainly nothing in law gives these IGOs monopolies over common words and short domains. If each of those IGOs had a 2 or 3 letter acronym, we're talking about a huge overlap between those and the existing registrations of the comparable .com domains.</p> <p>.... It's disturbing that registries and registrars seek an indemnification in the event that domains are stolen from current registrants, see page 34: "Where policy changes to recover protected identifiers of registered second-level names within an existing gTLD deviate from current policy, registry & registrar indemnification should be considered."</p> <p>That talk of indemnification clearly means some are already worried about the legal challenges that would take place at such a drastic policy change. The word "recover" should be read as "stolen", since that's essentially what is being discussed by some members of this working group.</p> <p>The Affirmation of Commitments makes it clear that a cost/benefit analysis must be made before any policy changes are made. Affecting existing domains would impose an enormous cost (not just to directly affected registrants, but indirectly to all registrants, due to the threat of future expropriation and expansions on the targets of those facing restrictions on transfers), and the benefits would be minimal, given that there is little actual abuse of IGO names at present.</p>			

#	Comment	Who / Where	WG Response	Action Taken
	<p>In conclusion, I recommend that there be no policy changes that would affect the rights of existing domain names. Even for new gTLDs (which I'm not a fan of), such protections are not warranted. The most famous marks of IGOs already have strong protection in law, and can be asserted via existing policies like the UDRP. Any changes, at most, should only affect freshly registered domain names (e.g. in new gTLDs), so that registrants were aware of the policy *before* they registered such names. If there are to be any policy changes, they should be designed in such a way to subsidize UDRP costs for qualified IGOs, rather than maintaining reserve lists. That can address real abuse in a cost-effective manner. Where no significant abuse occurs, ICANN should not be considering policy changes.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00000.html</p>			
13.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover strings in existing TLDs because the rights of organizations seeking protection do not supersede those of other legitimate entities.</p> <p>To me, it is hard to believe noticing that this workgroup tries to “rape” the rights of existing registrants of short and/ or generic (at the very end) in existing gTlds like dotcoms. It has been in existence for thirty years now !!! I really feel entitled to add a few neutral comments about this *report* as I never had myself the chance to register short domain names like LL.com or LLL.com as I came too late to do so. But this is a question of principles. I am not sure that you realize that uncertainty is bad, especially for small businesses ??? The UDRP process came into existence in 1999 I think. Why, if there had been any substantial abuse of those domains, no IGOs tried to assert their rights via existing processes and laws ? C’mon folks !</p> <p>Please, do not play the apprentice sorcerer by threatening with such a legal and unjustified uncertainty the legitimate rights established by rightful owners, decades ago. Those people do not deserve to be punished for their vision. Do not play with the American dream, do not play with the spirit of the founding fathers of the USA. They do not deserve it either.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00001.html</p>	J. Hureau / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.
14.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover strings in existing TLDs</p>	Alex Lerman / Public Comment	10/23 - Noted and WG acknowledges these comments have been discussed within WG	Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will

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	<p>Many IGOs do valuable work, and deserve to have an internet presence that supports their altruistic vision. However, the proposed ICANN policy changes create grave unintended consequences that would cause far more harm than good. The proposed changes (by the non-majority) on pages 42 and 43 fail to consider fundamental property rights of domain name registrants and the fair market value of domain names. Those changes would create a public outcry and backlash against ICANN and IGOs, since the proposed policy would permit theft of valuable private property from legitimate owners. Even when a large nation state like the USA takes private property for public use by the state, there is a recognition that "just compensation" must be paid in the form of "fair market value." http://en.wikipedia.org/wiki/Eminent_domain</p> <p>In the proposed ICANN policy there is no provision for just compensation. Therefore, the policy is blatantly unjust and should be abandoned. I thank you for your time and attention.</p> <p>http://forum.icann.org/lists/comments-ingo-ingo-final-20sep13/msg00002.html</p>		<p>deliberations and has considered this issue.</p> <p>Alan noted that we should update this section of the report to reduce confusion. Obligation to update report where the community is likely not to understand.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	<p>impact incumbent gTLDs without impacting existing rights of registered names.</p>
15.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover strings in existing gTLDs and prefers that no protections are granted in new gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities.</p> <p>In lieu of banning all special protections, which seems to have already garnered enough support of ICANN to come to pass, I would like to voice my concerns for expanding any additional protections that surely will infringe on the right of current domain and trademark holders. Any expansion leaves huge holes for abuse at the registry, registrar and INGO/IGO levels. Those organizations do not have rights that supersede those of other legitimate entities. To carve out valuable assets, particularly in already established gTLDs, would be a violation of rights and interests in domains that were, until this policy, operating with the full approval and cooperation of ICANN and other governing bodies.</p> <p>Let us remember that there are ample procedures in place to prohibit, protect and transfer domains that infringe on the trademark rights of ALL existing organizations. These policies extend beyond registry and ICANN requirements</p>	Chip Meade / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in</p>	<p>Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.</p>

#	Comment	Who / Where	WG Response	Action Taken
	<p>and into extensive legal and court protections that cover all aspects of potential harmful usage. Those protections are there for all parties, not a select group of special organizations. We do not need to expand their rights!</p> <p>The system of trademark usage and protection has worked well for hundreds of years without having to carve out special protections for Non-profits and INGOs/IGOs. They compete with private organizations/individuals in all sorts of business environments and domain names should be no different. This new policy (particularly with existing gTLDs) is a massive over-reach by a small number of individuals who see an opportunity to grab valuable assets at little to no cost, causing harmful reverberations throughout the domain AND general commercial marketplace. Do not implement these policy recommendations.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00003.html</p>		the past.	
16.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities. Seems to be support for protection of IOC, RCRC identifiers, but not reference to scope.</p> <p>The proposal to reserve commonly used acronyms for IGOs and INGOs in established TLDs is a tremendous overreach by International Organizations. In essence, the organizations are claiming all the IP rights to short acronyms that are in widespread commercial use by a entities around the globe. These international organizations have no greater claim to these acronyms than any other legitimate user.</p> <p>International organizations have available for their use .int and .org extensions that are associated with International Organizations and non-profit organizations. There is no need to seize turf on what is traditionally the commercial internet of .com and .net by claiming exclusive rights to acronym domains under these extensions.</p> <p>Many of the organizations in the list of acronyms under consideration for special protections are obscure and their acronyms are not well known to the public. There is no basis or justification to privilege the interests of the Int'l Organizations over other users of these acronyms. This is a strikingly misguided initiative that takes a well grounded interest in avoiding confusing misuse of the names the world famous organizations, the Red Cross and the Olympics, to launch a groundless seizure of all domains associated with the acronyms for</p>	Nat Cohen / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p> <p>CG: WG has not recommended reserving acronyms but only recommended that they could be added to the TMCH as a special category (i.e., not</p>	<p>Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.</p>

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	<p>hundreds of international organizations.</p> <p>There is a very good reason why historically the protections afforded to the Red Cross and the Olympics are restricted to these particular organizations that are well known to hundreds of millions of people worldwide. The rationale for the special protections for these two organizations does not extend to every obscure international organization ever created, and certainly not to acronyms that these organizations share with hundreds or thousands of other entities.</p> <p>By way of example let us take a look at some of the acronyms used in the text of the Overview of the Report and the use made of the dot-com domain based on those acronyms-</p> <ul style="list-style-type: none"> -igo.com - maker of accessory chargers for travelers -ingo.com - an arts and cultural organization -pdp.com - producer of gaming accessories -ioc.com - media storage company <p>This small example demonstrates that acronyms have many concurrent legitimate uses. IGOs can adequately protect their intellectual property and reputations without adopting a policy that prevents the long-standing and legitimate use of acronym domains by commercial users. I also write in favor of the comments submitted by George Kirikos and Alex Lerman.</p>		<p>trademarks).</p>	
17.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities.</p> <p>Security of tenure underpins successful economic systems. If those who have gained responsibility for administering any system decide to seize legally held property to redistribute it to their preferred new owners, it limits the amount of investment others are prepared to commit. This can easily be seen in countries where those coming to power redistribute property to a preferred group in the name of the ‘people’ and yet the end result is those same ‘people’ are economically impoverished as a consequence.</p> <p>ICANN should be very wary of those calling for the legally held property of others to be expropriated simply because they wish it to be distributed to groups that they personally have a greater affinity with. We should be looking at ways to improve the security of those who are prepared to invest in establishing businesses underpinned by IP rights not undermining them.</p>	<p>Paul Tattersfield / Public Comment</p>	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	<p>Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.</p>

#	Comment	Who / Where	WG Response	Action Taken
	http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00007.html		CG: WG did not recommend blocking acronyms	
18.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities.</p> <p>Carving out "special exceptions" for IGOs and INGOs, as the Draft labels them has the potential to undermine the most basic of internet property rights, that is to have one's "home" (which is what a domain name is, for all intents and purposes) stolen from the legitimate owner, and given to any IGO or INGO who makes even the flimsiest of claims that the name in some form resembles theirs, even including acronyms.</p> <p>This absurd proposal should never have seen the light of day. Please send it back to the darkness from which it spawned.</p> <p>Basic property rights must be given appropriate deference for the stability of the web.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00008.html</p>	Patrick Quinn / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	<p>Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.</p>
19.	<p>ABSTRACT: Association does not support any recommendation to reserve or recover identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities. They do support the possible use of curative RPMs.</p> <p>Finally, in regard to any incumbent gTLD, while we appreciate and support the Recommendation that any currently registered domain matching a protected IGO or INGO identifier "shall be handled like any existing registered name within the incumbent gTLD regarding renewals, transfers, sale, change of registrant, etc.", we strongly oppose the adoption of any policy that would:</p> <ul style="list-style-type: none"> ·Define or create a mechanism against the specious and completely speculative possibility of "front-running" of domain registrations of IGO or INGO identifiers. ·Exclude such a domain from any add/drop activities by the registrar in the event it becomes eligible for deletion, or make such deleted domains ineligible for future re-registration. ·In any way sanction the involuntary seizure or deletion of any identifier exact match acronym domain that is registered now or may be in the future at any incumbent gTLD. 	ICA / Public Comments	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>AG – confusion around use of specious</p> <p>GS – vague and unsupported</p> <p>AG – raise issue with front-running; Chuck highlighted this issue</p> <p>GS – they would oppose any such block to discourage front</p>	<p>Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.</p> <p>Reviewed front-running term and its use</p> <p>Comments RE: UDRP URS recommendation now includes a completed Issue Report template added to Annex 4.</p>

#	Comment	Who / Where	WG Response	Action Taken
	<p>Again, as we do not oppose allowing IGOs and INGOs to utilize the UDRP against exact match identifier domains registered at incumbent gTLDs, we believe that any proposed policy going beyond access to such arbitration procedure availability is unnecessary overreach that incorrectly assumes bad faith registration and public confusion where none is likely to exist.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00009.html</p>		<p>running – generally oppose taken any of these out of the wild. No protections, other than curative.</p> <p>TR – take a look at issue of front running</p> <p>AG – review what we have listed in document</p> <p>GS – p.33 of report</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	
20.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities.</p> <p>I encourage the group to defend fundamental property rights against those who are never-satisfied and habitually seeking expansion of protections that go far beyond what is reasonable or necessary.</p> <p>Mr. Kirikos comments are concise and correct: "It's disturbing that this workgroup is even *considering* making enormous and profound changes to the rights of existing registrants of short domains (acronyms, etc.) in existing gTLDs. .com has been in existence since 1985, nearly 30 years. The UDRP has existed since 1999. If there had been substantial abuse of those</p>	Jay Chapman / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>AG – need to clarify that this WG rejected the acronym protection; need to update recommendation</p> <p>GS – process of considering majority and minority positions</p>	<p>Reviewed acronym recommendations for clarity (especially where divergence is listed) – They were promoted as “Consensus Against” because implementation action is required. A new recommendation was also created for the SCI to review WGG consensus scales</p> <p>Divergent recommendations were separated from those of</p>

#	Comment	Who / Where	WG Response	Action Taken
	<p>domains, there was ample time for IGOs to assert their rights via existing processes and laws.</p> <p>--</p> <p>As long as such transfers do not violate the law, ICANN should keep its nose out of such matters and not interfere, especially when there are no good policy reasons to do so (i.e. there needs to be supporting economic and statistical data in the event of such profound policy changes, as per the Affirmation of Commitments)."</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00011.html</p>		<p>in how we consider impact on incumbent TLDs.</p> <p>AG – NCSG is likely to support what they listed in minority report. Yes we considered this and we may consider it again in reviewing the comments. Thus the minority report.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	<p>consensus support and labeled as proposals without support.</p>
21.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities. Such policies will infringe on rights of free speech.</p> <p>Domains are property; and, as such, existing ownership rights ought to be honored without diminution unless there is some clearcut violation of the law. Forced transfer from an individual to some group with arbitrary privileges -- or from one organization to another organization with more vigorous lobbyists -- is not justified. It seems obvious to me that the rights of existing property owners ought not to be dismantled retroactively. Whether or not new GTLDs are subject to new requirements, domains registered already in existing GTLDs should be governed under the current laws.</p> <p>Domains are property, yes. However, I'd like to stress a point that hasn't been raised yet to my knowledge. We are not simply advocating for property rights. Domain names are *language*. Ultimately, this draft report threatens, not just property rights, but free speech. Confiscating a domain deprives not only its owner but also its audience of a publicly understood form of meaningful</p>	Joseph Peterson / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	<p>Section 5.6 was reviewed by the WG and made changes to clarify how any policy change will impact incumbent gTLDs without impacting existing rights of registered names.</p>

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	<p>speech. In effect, ICANN would be dictating what a term *must* mean.</p> <p>Here ICANN ought to tread very lightly because the general public has historically been somewhat attached to its right of free speech. That has included naming themselves and assembling in public places. Domain names are public places -- unless, of course, ICANN sets the opposite precedent, as seems to be the suggestion before us.</p> <p>Should ICANN repeal free speech simply in order to confiscate private property for the benefit of an arbitrarily defined group of special organizations? No.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00012.html</p>			
MINORITY POSITIONS				
22.	<p>ABSTRACT: Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, because the rights of organizations seeking protection do not supersede those of other legitimate entities. Responding to NCUC minority statement.</p> <p>I find it disturbing that the NCUC would dare to propose (in a minority view) on pages 42-43: "Our minority view extends to what happens when the registrant of such a reserved names wishes to sell or otherwise transfer the name to another registrant. Allowing such a transfer goes against the nature of the reserved names list and opens an avenue for abuse.....Our recommendation is that all names added to the reserved names list be blocked from sale/transfer to a new registrant at least until such time as a PDP on reserved names has considered the issue in the light of their possible changes to the nature of reserved names." That's one step short of immediate expropriation, and yet would still devalue the holdings of tens of thousands of legitimate registrations. Indeed, it would not just affect those names directly, it would affect development on ALL domain names, if ICANN could rewrite existing rules to create uncertainty about the ability to transfer domain names. It is very self-serving for the NCUC, since it would essentially give a transfer of wealth from existing registrants to these "non-commercial" users represented by the NCUC.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00000.html</p>	George Kirikos / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>Minority statements are just that, i.e., they reflect positions on recommendations that the WG did not support.</p> <p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	No actions taken
23.	<p>ABSTRACT: Minority statement within RySG PC response; Participant supports reservation protections of full name and acronym identifiers because IGOs are</p>	UPU / Public Comment	10/23 - Noted and WG acknowledges these comments	No actions taken

#	Comment	Who / Where	WG Response	Action Taken
	<p>afforded status under international law and treaty serving the public interest. Protection of the IGO identifiers is in line with ICANN mission and aligns with GAC advice. Without acronym protections the remaining recommendations are insufficient.</p> <p>The UPU hereby would like to reiterate that, as previously conveyed by other IGOs and acknowledged by the GAC, IGOs represent a wide range of essential public interests. For this reason, they enjoy a special status under public international law, which clearly places them in a different category than other DNS stakeholders:</p> <ul style="list-style-type: none"> · IGOs work towards cooperation between governments on vital issues and humanitarian causes; · IGOs are created by treaty, they are the subject of international law like States, and they deserve the same treatment; · IGOs are funded primarily by public funds provided by their Member States. <p>Abusive registration of IGO names and acronyms imposes serious enforcement burden on IGOs, which should not have had to divert their public resources for this purpose;</p> <ul style="list-style-type: none"> · IGOs and the public interests which they represent are particularly vulnerable to misuse, fraud and confusion with respect to their identities on the Internet; · IGOs enjoy certain immunities from legal process in order to protect their neutrality and impartiality from national influence. <p>The names and acronyms of IGOs are protected by international treaties within the scope of Article 6ter of the Paris Convention for the Protection of Industrial Property, as further extended by Article 16 of the Trademark Law Treaty and Article 2 of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights. As a result, an overwhelming majority of jurisdictions in the world protect the names and acronyms of IGOs either by direct application of their treaty obligations or by enacting national legislation. It may be noted also that the governing bodies of some IGOs have adopted decisions requesting their Member States to protect the identifiers of those organizations from unauthorized use.</p> <p>Protection of the names and acronyms of IGOs is equally consistent with ICANN's mission, which includes, inter alia, protecting consumers from abuse in connection with the new gTLD program. Furthermore, ICANN's founding documents require ICANN to carry out its activities in conformity with relevant principles of international law and applicable international conventions and to cooperate with relevant international organizations (Articles of Incorporation, Article 4) and to duly take into account governments' and public authorities' recommendations, recognising that public authorities are responsible for public policy (By-Laws, Article 11).</p>		<p>have been discussed within WG deliberations and has considered this issue.</p> <p>CG: Minority statements are just that, i.e., they reflect positions on recommendations that the WG did not support.</p>	

#	Comment	Who / Where	WG Response	Action Taken
	<p>Abusive registration of IGO names and acronyms harms the causes which IGOs represent (including without limitation public health, labour practices, universal postal services, financial and digital inclusion, food security, peacekeeping operations, containment of weapons proliferation, sustainable economic and social development and reconstruction, trade and commerce standards, children's rights, refugees, disaster relief, fundamental scientific research and other public policies).</p> <p>The UPU is extremely concerned that the recommendations proposed by the PDP Working Group to the GNSO Council are not fully in line with such GAC advice, subject to clarification of certain implementation issues for second level protection of acronyms on which a dialogue is currently in progress.</p> <p>In particular, the UPU is vehemently opposes any recommendations which propose protections for IGO full names, but not acronyms. As already expressed on many occasions, the majority of IGOs are best-known by their acronyms and it is these which have suffered and will time and again suffer misuse in the DNS. Therefore, a proposal to protect full names only would practically equate to proposing no protection at all. Such an unreasonable proposal would not only disregard GAC advice, international treaties and national laws, but also defy reality and common sense.</p> <p>Furthermore, any acronym protection that would not be preventative would ignore the legal status of IGOs as distinct from other entities, and would merely put IGOs in the position of being informed as to any prospective or actual abuse, without a far more appropriate option to prevent such abuse in the first place.</p> <p>In the light of the above, it is incumbent on ICANN as the mandating agency of the domain name system to implement appropriate policy measures to help mitigate these harms. ICANN's development of the domain name system must therefore demonstrate a capacity for serving that public interest within existing legal norms.</p>			
REPLY COMMENTS				
24.	<p>ABSTRACT: In reply to... Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs adding that this issue was rejected by the community in the past. Participant questions reference to Article 6ter as basis for legal protection. Participant notes existing temporary protections of the new gTLD Spec 5 conflict with what will be competing legitimate use by more than one party. A repeated notion that these organizations seeking protection already have their "carve-outs" in existing TLDs like .int</p> <p>As we enter the reply period, I note for the record that this topic came up in 2007, and was soundly rejected. See my CircleID article at:</p>	George Kirikos / Public Comment	<p>10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.</p> <p>CG: WG has not recommended reserving acronyms but only recommended that they could be added to the TMCH as a</p>	No actions taken

#	Comment	Who / Where	WG Response	Action Taken
	<p data-bbox="181 140 987 169">http://www.circleid.com/posts/710118_short_domain_names_igo_udrp/</p> <p data-bbox="181 204 1003 296">and in particular, note the comments! For example, the .biz TLD might have been rejected, due to conflicts with the Bank for International Settlements, using the logic of the advocates for the other side. Jeff Neuman wrote:</p> <p data-bbox="181 336 1025 560">"In fact, after .biz was approved we did receive a letter from the Bank of International Settlements stating that .biz was a protected IGO name and therefore ICANN should have retracted its approval of .biz.....At that point time, we had discussions with the ICANN General Counsel, Louis Touton, and drafted a response which is posted here.....I have a hard time reconciling how ICANN staff can issue this legal opinion letter to the Bank of International Settlements in 2001 and now draft this "staff report"....</p> <p data-bbox="181 600 1043 823">Here is the conclusion of the ICANN GC Letter: "While we appreciate the Bank's desire to formally assert whatever legal rights it may have, an exclusion of the use of the string "biz" as an Internet top-level domain is not supported by legal principles and would be contrary to the global public interest. With respect for the proper scope of the Bank's rights under Article 6ter, ICANN is proceeding with the introduction of the .biz top-level domain."</p> <p data-bbox="181 863 1016 1019">Millions of domains are now registered under the .biz gTLD, and the Bank for International Settlements' fears were shown to be overstated. This is *real* data that the working group needs to take into account today. The fear-mongering taking place by IGOs is just that. History tells us that they were wrong then, and wrong now.</p> <p data-bbox="181 1059 1010 1118">Furthermore, John Berryhill wrote an excellent analysis of Article 6ter of the Paris Convention (see comment #4):</p> <p data-bbox="181 1158 1050 1251">"It is long past time to put to bed the downright intellectual dishonesty involved in citing Article 6ter of the Paris Convention as prohibiting the registration of domain names of any kind.</p> <p data-bbox="181 1291 1037 1383">FIRST - The treaty is binding on the governments which are signatory to the treaty. The treaty is not binding upon ICANN. The treaty is not binding on any registry.</p> <p data-bbox="181 1386 1037 1445">SECOND - The treaty requires governments to refuse to register as trademarks or permit use as trademarks, the names or initials of IGO's.</p>		<p data-bbox="1279 140 1585 204">special category (i.e., not trademarks)</p>	

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	<p>We are not talking about trademarks, we are talking about domain names. There is nothing - utterly nothing - in this treaty that relates to a requirement binding upon ICANN or a domain name registry to refuse to permit the registration of internet domain names of any kind.</p> <p>Sorry, if the acronym of my organization is GFY, then I can use GFY as a domain name for my organization. That is a situation that has nothing to do with whether I am using GFY as a trademark - as I might not even be using the acronym as a trademark.</p> <p>Do we require the New York Stock Exchange or the NASDAQ to refuse to issue stock ticker symbols which are IGO's? No, we don't. Should a public corporation be allowed to register its stock ticker symbol as a domain name, even if that symbol corresponds to the initials of an IGO? I cannot for the life of me imagine why they should not.</p> <p>This notion concerning Article 6ter is sheer stupidity. For those who know better, it goes well beyond stupidity, and straight into the realm of outright dishonesty."</p> <p>Well said. I'd like to note for the record that I endorse and support the views of those writing in support of property rights and due process, and in particular Alex Lerman, Chip Meade, Nat Cohen, Paul Tattersfield, Pat Quinn, Phil Corwin, Jay Chapman, and Joseph Peterson.</p> <p>I reject the positions of Sergio De Gregori and Hope Makena. As discussed above by John Berryhill, Article 6ter does not not grant monopolies to IGOs over their acronyms. We see those acronyms as stock symbols, and we see them widely used by many other organizations and individuals. These acronyms are even used as Twitter handles, FaceBook usernames, Yahoo & Gmail user ids, 3rd-level domains, and so on.</p> <p>ICANN unilaterally created a draft "reserved" list at: http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml and proposes that common strings such as "IDEA", "ECO", "AU" and even "PAM" be reserved. That's an absurdity. None of these organizations deserve special treatment. Domains such as ECO.cars would be disallowed. Heck, why not delete the entire dot-AU country code, and hand it over to the African Union, under the "logic" of the extremists in the other camp? Why not force the millions of women named "Pamela" (or "Pam") to rename themselves, in order</p>			

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	<p>that the Parliamentary Assembly of the Mediterranean have exclusive use of the string "PAM"?</p> <p>As Joseph Peterson correctly noted in his comments, this is also about free speech. Suppose someone wanted to criticize an IGO for abusive or inappropriate behaviour (we all know it happens). We've seen various scandals in the Olympic movement, and even the Red Cross (e.g. tainted blood in Canada). ICANN should not preemptively censor that free speech from the DNS.</p> <p>IGOs already have a carve out, namely dot-INT. They should use that TLD, and promote it. Heck, ICANN has that pot of gold from the new gTLD application fees, and is looking for "good causes" --- they could mount a marketing campaign or Super Bowl ad to promote the .INT extension as "the place to find IGOs" and leave others in peace. IGOs always have their hands out. Instead of picking the pockets of innocent registrants who are using their domains legitimately, by being looters and moochers, they should focus on their missions.</p> <p>In conclusion, common short strings are widely used. They have *multiple* competing uses, and ICANN should not place the interests of one small group of stakeholders over others, especially without any supporting data indicating that there is an important problem that needs fixing. Indeed, the supporting data (the history of .biz, heck the history of .au, or the use of stock symbols or the millions of women named "Pam") tells the opposite story, that short strings can coexist amongst many competing users. Any intervention should be designed to have minimal collateral damage and unintended consequences, but some of the extremists on the other side are proposing mass theft of billions (yes BILLIONS) of dollars worth of domain names in existing gTLDs, in order to benefit their obscure IGOs. That's simply absurd and unacceptable. The costs imposed upon others of such proposals far exceed any real benefits.</p> <p>http://forum.icann.org/lists/comments-igo-ingo-final-20sep13/msg00015.html</p>			
25.	<p>ABSTRACT: In reply to.....Participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, noting that IOC and RCRC have already filed successful UDRPs, but only with low volume and perhaps indicates insufficient harm to warrant a policy change and that UDRP is effective.</p> <p>As an additional perspective, to counter the assertions of Hope Makena and</p>	George Kirikos / Public Comment	10/23 - Noted and WG acknowledges these comments have been discussed within WG deliberations and has considered this issue.	No actions taken

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	<p>Sergio De Gregori, consider the experience of the most famous organizations, namely the Red Cross and the IOC with regards to the UDRP. Yes, these organizations have filed, and been successful, using the UDRP. Using the UDRPSearch.com tool, we can see that the Red Cross has been a complainant a mere 15 times: http://www.udrpsearch.com/search?query=red+cross&search=parties since 1999. That's roughly once per year.</p> <p>The IOC and its agents have been involved in under 26 UDRP cases according to the search results for "Olympic" as a party, see: http://www.udrpsearch.com/search?query=olympic&search=parties (note some of those matches were *not* for the IOC, but were for other concurrent users, such as Greece's Olympic Airways).</p> <p>There are thousands of UDRPs per year, and these organizations do not account for a significant portion of them. If we go by the data, Lego would have a much stronger argument for special rules in their favour, given the number of cases (603 matches as a party to UDRP disputes) they bring in comparison.</p> <p>This is evidence of two things: 1. the claimed problem is tiny in nature, even for the most famous entities like the IOC and the Red Cross 2. current procedures such as the UDRP are effective for those situations, and more extraordinary relief sought by IGOs is simply not required.</p> <p>If we look at the UDRP, there is a 3-part test, and it's there for a reason. http://www.icann.org/en/help/dndr/udrp/policy (see paragraph 4.(a))</p> <p>To win a complaint, it's *insufficient* for a domain name to be identical to a mark (or an acronym, as the case may be). Registrants can defeat a UDRP complaint by showing they have legitimate rights, or that there was no bad faith involved. The extremists in the other camp want to replace this 3-part test with a 1-part test, considering only "similarity" in order to tilt the playing field in their attempts to reverse hijack existing domain names, or to reserve unregistered names for themselves. That's simply absurd, and reckless.</p>		<p>CG: In our discussions of implementing the recommendation for existing gTLDs, we have not recommended changes that would impact existing registrations but rather a possible grandfathering approach that has been used in the past.</p>	