

I. PROPOSED AMENDMENT/MODIFICATION TO THE CURRENT GNSO POLICY RECOMMENDATIONS RELATING TO RED CROSS TERMS AND IGO ACRONYMS AT THE SECOND LEVEL

The GNSO Council proposes to put out for public comment, for a minimum of 30 days in accordance with the GNSO's [PDP Manual](#), the following proposed amendment to the IGO-INGO PDP WG's [November 2013](#) consensus recommendation on Red Cross & Red Crescent (RC) Scope 2 identifiers and IGO Scope 2 Acronyms as follows (*see Page 2 for explanation*). Prior to the initiation of the public comment period, the GNSO Council requests that the reconvened IGO-INGO PDP WG provide its input and feedback on the proposed amendment within forty-five (45) days of the WG's reconvening.

The proposed amendment is as follows:

- For RC Scope 2 identifiers: instead of 90-days TMCH claims notification protection, the claims notification service will run for the life of the TMCH. This will entail: (1) a notice sent to a potential registrant who attempts to register an Exact Match of the protected RC Scope 2 identifier; and (2) if the registrant proceeds with the registration, a notice sent to the relevant RC entity informing it of the registration. In addition, in considering any modified or new dispute resolution procedure for IGOs and INGOs the new IGO-INGO Curative Rights Protection WG will be requested to take into account the GAC request that such a procedure should be at low or no cost in relation to the specified acronyms of the international Red Cross & Red Crescent movement (ICRC, CICR, IFRC, FICR).
- For IGO Scope 2 identifiers: instead of 90-days TMCH claims notification protection, the claims notification service will run for the life of the TMCH. This will entail: (1) a notice sent to a potential registrant who attempts to register an Exact Match of the protected IGO Scope 2 Acronym; and (2) if the registrant proceeds with the registration, a notice sent to the relevant IGO informing it of the registration. In addition, in considering any modified or new dispute resolution procedure for IGOs and INGOs the new IGO-INGO Curative Rights Protection WG will be requested to take into account the GAC request that such a procedure should be at low or no cost to the IGO. Further, in considering any such modified or new dispute resolution procedure the new IGO-INGO Curative Rights Protection WG will be requested to consider modifying certain aspects of the URS to enable its use by IGOs, and the

development of rules and procedures for an arbitration process to resolve claims of abuse of IGO names and acronyms.

II. BACKGROUND INFORMATION: GNSO RECOMMENDATIONS & RESOLUTIONS; GAC ADVICE

1. The Protected RC Names & Acronyms and IGO Acronyms

Protected RC Identifiers under the GNSO Recommendations:

- 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 (*collectively termed “Scope 2” identifiers by the IGO-INGO PDP WG*) – for the national societies, protection in English as well as in their respective national languages; for ICRC & IFRC, protection in the six (6) United Nations languages

Protected RC Identifiers requested in GAC Advice:

- 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin, and the full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations languages – permanent protection
- International RC acronyms (ICRC, CICR, IFRC, FICR) – cost-neutral as for IGOs (see further below)

Protected IGO Acronyms under the GNSO Recommendations:

- Acronyms of those IGOs on the GAC list of 22 March 2013: see <http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf> (*collectively termed “Scope 2” identifiers by the IGO-INGO PDP WG*)

Protected IGO Acronyms requested in GAC Advice:

- List of acronyms provided to ICANN on 22 March 2013

2. Current GNSO Policy Recommendations Relating To Red Cross And IGO Acronym Identifiers At The Second Level

For the RC (from the GNSO Council resolution of 20 November 2013):

“Full Name and Acronym Scope 2 identifiers of the RCRC (as defined in the Final Report) are to be subject to any notification services afforded to rights holders during the launch of a new gTLD. For the current round, the names and acronyms subject to this recommendation are to be added to the Trademark Clearinghouse (TMCH), and the related organizations permitted to participate in the 90-day claims notification process developed for the New gTLD Program” (see <http://gns0.icann.org/en/council/resolutions#201311>).

For IGOs (from the GNSO Council resolution of 20 November 2013):

“Acronyms of the specified **IGOs** (as defined in the Final Report) are to be added to the TMCH, and the related organizations permitted to participate in the 90-day claims notification process developed for the New gTLD Program, these identifiers will similarly be subject to any notification services afforded to rights holders during the launch of a new gTLD in future rounds” (see <http://gns0.icann.org/en/council/resolutions#201311>).

3. GAC Advice On RC Names & Acronyms And IGO Acronyms

(i) From the GAC's [Durban Communique](#) (July 2013):

“The GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would:

- a. provide notification to an IGO if a potential registrant seeks to register a domain name matching the acronym of an IGO at the second level, giving the IGO a reasonable opportunity to express concerns, if any; and
- b. allow for an independent third party to review any such registration request, in the event of a disagreement between an IGO and potential registrant

The same complementary cost neutral mechanisms to be worked out ... for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).”

(ii) From the GAC’s [Buenos Aires Communique](#) (November 2013):

“The GAC, together with IGOs, remains committed to continuing the dialogue with NGPC on finalising the modalities for permanent protection of IGO acronyms at the second level, by putting in place a mechanism which would:

- a. provide for a permanent system of notifications to both the potential registrant and the relevant IGO as to a possible conflict if a potential registrant seeks to register a domain name matching the acronym of that IGO;
- b. allow the IGO a timely opportunity to effectively prevent potential misuse and confusion;
- c. allow for a final and binding determination by an independent third party in order to resolve any disagreement between an IGO and a potential registrant; and
- d. be at no cost or of a nominal cost only to the IGO.”

(iii) From the GAC’s [Singapore Communique](#) (March 2014):

“Referring to the previous advice that the GAC gave to the board to permanently protect from unauthorised use the terms associated with the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world.

I. The GAC advises that, for clarity, this should also include:

- the 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin.
- The full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations Languages. “

(iv) From the GAC's [London Communiqué](#) (June 2014):

Protection of Inter-Governmental Organisation (IGO) Names and Acronyms:

“The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires and Singapore Communiqués regarding protection for IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law, are objectively different rights holders; notes the NGPC’s letter of 16 June 2014 to the GNSO concerning further steps under the GNSO Policy Development Process while expressing concerns that the process of implementing GAC advice has been so protracted; welcomes the NGPC’s assurance that interim protections remain in place pending any such process; and confirms its willingness to work with the GNSO on outcomes that meet the GAC’s concerns.”

Protection of Red Cross/Red Crescent Names:

“The GAC refers to its previous advice to the Board to protect permanently the terms and names associated with the Red Cross and Red Crescent, including those relating to the 189 national Red Cross and Red Crescent societies, and recalls that the protections afforded to the Red Cross and Red Cross designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions. Accordingly, the GAC now advises, that:

I. The Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and that their protection could not therefore be adequately treated or addressed under ICANN’s curative mechanisms for trademark protection;

II. The protections due to the Red Cross and Red Crescent terms and names should not be subjected to, or conditioned upon, a policy development process;

III. The permanent protection of these terms and names should be confirmed and implemented as a matter of priority, including in particular the names of the international and national Red Cross and Red Crescent organisations.”