

**BRIEFING NOTE ON THE STATUS OF PROTECTIONS FOR RED CROSS IDENTIFIERS AT THE TOP  
AND SECOND LEVELS OF THE INTERNET DOMAIN NAME SYSTEM  
30 March 2016**

*This document is a summary of the current status of protections that have been provided to certain names and acronyms of the Red Cross, with particular reference to GNSO policy work on the topic. Part I summarizes the status of the recommendations from the 2011-2013 GNSO Policy Development Process (PDP), including the GNSO recommendations that are inconsistent with GAC advice. Part II provides additional information about the overall GNSO work on IGO and INGO protections, and Part III notes the implementation work being done on the 2011-2013 PDP recommendations that are not inconsistent with GAC advice and that were adopted by the ICANN Board in early 2014.*

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**I. STATUS OF RECOMMENDATIONS FROM COMPLETED GNSO PDP CONCERNING PROTECTIONS FOR RED CROSS IDENTIFIERS**

**Timeline:**

April 2014: ICANN Board [adopts](#) those of the GNSO's consensus recommendations that are consistent with GAC advice received on the topic, and requests more time to consider the remaining recommendations.

- The following Red Cross identifiers are the subject of the Board-approved recommendations: **Red Cross, Red Crescent, Red Crystal, Red Lion & Sun full names**, at top and second levels, in the 6 official UN languages, with Exception Procedure for the affected organizations to be designed during implementation.
- The following Red Cross identifiers are the subject of inconsistent GNSO recommendations and GAC advice:
  - The GNSO had recommended a 90-day Claims Notice period for the **full names and acronyms of the 189 national Red Cross Societies** (English plus national language), **and the full names and acronyms of the international Red Cross movement (ICRC, CICR, CICV, MKKK, IFRC and FICR, in UN6)**.
  - The GAC had requested **permanent protection for the 189 national Red Cross Societies** (in English and the official languages of their respective states of origin) **and for the full names of the ICRC and IFRC** (in UN6)<sup>1</sup>; and for the **same complementary cost neutral mechanism to be worked out for IGO acronyms to be extended also to the other international Red Cross movement acronyms: ICRC, CICR, IFRC, FICR**<sup>2</sup>.

June 2014: The Board via its New gTLD Program Committee (NGPC) [requests](#) that the GNSO Council consider amending those of the GNSO's original PDP recommendations that are inconsistent with GAC advice, in line with the GNSO's PDP Manual for such an amendment process. These inconsistencies

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<sup>1</sup> See the GAC's [March 2014 Singapore Communique](#) for the specific language.

<sup>2</sup> See the GAC's [July 2013 Durban Communique](#) for the specific language.

mainly concern the GNSO's recommendations on so-called preventative protections (e.g. entry into a mechanism similar to the Trademark Clearinghouse and associated services) for IGO acronyms and certain Red Cross names and acronyms.

- Section 16 of the GNSO's [PDP Manual](#) provides that (with emphasis added) -

*“Approved GNSO Council policies may be modified or amended by the GNSO Council **at any time prior to the final approval by the ICANN Board** as follows:*

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

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

- The Red Cross had participated in the completed GNSO PDP and submitted a Minority Statement to the Final Report: see <http://gns0.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf>.

Sept 2014: GNSO Council discusses type/scope of possible amendments with NGPC representatives and sends [letter](#) to NGPC requesting confirmation of the understanding prior to taking further action.

Oct 2014: NGPC passes [resolution](#) to provide **temporary** protections for the names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies, and the 189 National Red Cross and Red Crescent Societies, as identified in the GAC Register of Advice as [2014-03-27-RCRC](#) while the GAC, GNSO, Board, and ICANN community continue to actively work on resolving the remaining differences<sup>3</sup>.

Jan 2015: NGPC [responds](#) to the GNSO Council noting ongoing discussions with the GAC and IGOs. There has been no subsequent formal interaction on the specific topic of Red Cross protections as between the Council and the Board, although several informal discussions have taken place between Board, GAC and GNSO representatives on the related topic of IGO protections.

- Implementation of the Board-adopted policy recommendations has commenced, with an Implementation Review Team formed and meeting regularly since September 2015. The IRT members, meeting logs and draft implementation documents can be viewed here: <https://community.icann.org/x/RJFCAw>.

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<sup>3</sup> The full list of all the Red Cross identifiers that are reserved in all New gTLD Base Registry Agreements, including those designated in the Applicant Guidebook for the New gTLD Program and those provided with interim protections per ICANN Board resolution, can be found here: <https://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>.

March 2016: The GAC's [Marrakech Communiqué](#) notes: (1) the GAC's previous advice that permanent protection of Red Cross, Red Crescent and Red Crystal designations and names need to be implemented as soon as possible; and (2) the GAC's hope that current discussions involving the GNSO and ICANN staff will resolve the remaining differences between GAC advice and GNSO policy recommendations

- The full list of previous GAC Communiqués and communications that contain either references to, or advice regarding, protections for Red Cross identifiers can be found here: <https://gacweb.icann.org/pages/viewpage.action?pageId=41943652>).

#### **Status Update for Part I:**

- The GNSO Council continues to await further specificity/confirmation from the Board concerning the scope of any potential policy amendments; no action is expected from the GNSO in the meantime.

- The Board is expected to revert to the GNSO Council following finalization by the IGO "small group" of an expected proposal to be delivered to the GAC and the GNSO (note: although the small group proposal will deal only with IGO acronyms and not the Red Cross identifiers, the issues were both part of the completed GNSO PDP and have been the subject of GAC advice on the topic.)

## **II. BACKGROUND ON GNSO WORK ON IGO-INGO PROTECTIONS**

### **Timeline:**

Oct 2012: GNSO Council [charters](#) PDP Working Group on the Protection of International Governmental Organization (IGO) and International Non-Governmental Organization (INGO) Names in All gTLDs.

Nov 2013: GNSO Council [resolves](#) to adopt all the consensus recommendations contained in the PDP Working Group's [Final Report](#) (note: several [Minority Positions](#) were submitted to the Final Report by the following groups: the Red Cross, a coalition of IGOs, the International Organization for Standardization (ISO) & International Electrotechnical Commission (IEC), the Non-Commercial Stakeholder Group (NCSG) and the At Large Advisory Committee (ALAC)).

April 2014: ICANN Board [adopts](#) those of the GNSO's consensus recommendations that are consistent with GAC advice received on the topic, and requests more time to consider the remaining recommendations (see Part I for further details).

June 2014: GNSO Council [resolves](#) to initiate a new PDP on IGO-INGO Access to Curative Rights Protections and [adopts](#) the Charter for the Working Group; WG is tasked to explore the possibility of amending existing curative rights mechanisms (i.e. UDRP and/or URS) or developing separate, narrowly

tailored dispute resolution procedure modeled on UDRP and/or URS, to address specific needs and concerns of IGOs and/or INGOs<sup>4</sup>.

**Status Update for Part II:**

- See Part I of this Note for a summary of the GNSO Council's pending status on possibly amending its adopted recommendations from the 2012-2013 PDP.
- The current PDP Working Group on IGO-INGO Curative Rights is hoping to complete an Initial Report, to be published for public comment, by or around the time of ICANN56. The group is currently expecting a final report from its external legal expert on the state of international law regarding jurisdictional immunity for IGOs, which will inform its deliberations on whether or not to recommend either modifications to the existing mechanisms or the development of new ones.
- Given the GAC advice that any mechanisms to be developed for IGOs should also apply to certain Red Cross identifiers (e.g. in the [July 2013 Durban Communiqué](#)), the outcome of this current PDP could also be relevant to finalization of protections for the various Red Cross organizations.

**III. IMPLEMENTATION STATUS OF BOARD-ADOPTED GNSO RECOMMENDATIONS NOT INCONSISTENT WITH GAC ADVICE**

Implementation is ongoing for the PDP recommendations adopted by the ICANN Board in April 2014 (including for the full names of the relevant Red Cross organizations). An Implementation Review Team has been formed and is meeting regularly. Note that this implementation is focused only on those PDP recommendations that were adopted by the Board, and does not concern any of the outstanding recommendations for which the inconsistencies between the GAC advice and GNSO recommendations are yet to be resolved.

**END OF BRIEFING NOTE**

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<sup>4</sup> The impetus for this new PDP originates in one of the previous Working Group's recommendations, viz. for a new Issue Report leading to a potential PDP, to examine the question of the adequacy of existing curative rights protections in addressing the specific needs of IGOs and INGOs.