



**Background to and Status of Work on Protections for  
Names and Acronyms of the Red Cross movement and  
International Governmental Organizations (IGOs)  
2 June 2016**

## **Current status of protections**

- What are the adopted permanent protections?
- What are the names and acronyms subject to temporary protections?
- What are the names and acronyms for which the question of permanent protection remains unresolved?

## **How we got here**

- GAC advice; the original GNSO IGO-INGO PDP (completed November 2013) and the subsequent IGO-INGO Curative Rights PDP (ongoing)

## **Options for next steps**

- What is the GNSO's process for amending adopted policy?

# Current Status of Protections for Red Cross and IGO names and acronyms

**Permanent** protection for the following names have been approved by the GNSO Council and the ICANN Board:

- Red Cross: The full names of **Red Cross, Red Crescent, Red Crystal, Red Lion & Sun**, in the 6 official UN languages (with exception procedure to be developed in implementation for the relevant organizations)
- IGOs: **IGO names on the GAC List** provided to ICANN in March 2013 (<https://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf>)

**Temporary** (interim) protection for the following names and acronyms has been approved by the ICANN Board:

- Red Cross: The **names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies and the acronyms ICRC, IFRC, CICR, FICR** in the 6 official UN languages; and the **names of the 189 National Red Cross and Red Crescent Societies**, as identified in the GAC Register of Advice as [2014-03-27-RCRC](https://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf), in English and the associated national language
- IGOs: **IGO acronyms on the GAC list** of March 2013

(List of names and acronyms currently reserved via interim protections:

<https://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>)

# Comparison table of GAC advice and GNSO recommendations

GAC Advice (e.g. Durban, Buenos Aires & S'pore Communiques)	GNSO PDP Recommendations (Nov 2013)
<p><b>Red Cross (RC):</b></p> <p>Terms associated with international RC movement “permanently protected from unauthorized use” – to include 189 national RC societies (English and official language) and Full Names of Int’l C’ttee of the RC &amp; Int’l Federation of RC Societies (in UN6)</p> <p>Acronyms of international RC entities (ICRC, CICR, IFRC, FICR) to have access to the same “complementary cost neutral mechanism” as for IGOs (to be developed)</p>	<p><b>Red Cross (RC):</b></p> <p><u>90 days</u> TMCH claims notice for Exact Match of full names and acronyms of 189 national RC societies (in English and respective national language) and full names and acronyms of the international RC entities - ICRC, CICR, IFRC, FICR (in UN6)</p>
<p><b>IGO Acronyms (in 2 languages):</b></p> <p>Second level protection in the form of:</p> <ol style="list-style-type: none"><li>1. Permanent system of notifications to both the potential registrant of a matching domain and the relevant IGO;</li><li>2. Allow the IGO a timely opportunity to effectively prevent potential misuse and confusion;</li><li>3. Allow for final and binding determination by an independent third party in order to resolve any disagreement between an IGO and a potential registrant; and</li><li>4. Be at no cost or of a nominal cost only to the IGO</li></ol>	<p><b>IGO Acronyms:</b></p> <p><u>90 days</u> TMCH claims notice for acronyms of IGOs on GAC list of 22 March 2013</p> <p>Issue Report (completed; subsequently initiated as a separate GNSO PDP) to address curative rights access for IGOs (and INGOs)</p>

## Red Cross:

### For the **names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies** and the acronyms **ICRC, IFRC, CICR, FICR**

- GAC advice:
  - *Permanent protection for full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies, in UN6; and*
  - *The same complementary cost neutral mechanism that is to be worked out for IGO acronyms to be extended to these acronyms: ICRC, CICR, IFRC, FICR*
- GNSO recommendations:
  - *90-day Claims Notice period for the full names of the international Red Cross movement and its related acronyms (ICRC, CICR, CICV, MKKK, IFRC and FICR), in UN6*

### For the **names and acronyms of the 189 National Red Cross and Red Crescent Societies**

- GAC advice:
  - *Permanent protection, in English and the official language of the respective state of origin*
- GNSO recommendations:
  - *90-days Claims Notice period for the names and acronyms, in English and the official national language*

## IGO names and acronyms:

- GAC advice:
  - *Permanent system of notifications to both the potential registrant of a matching domain and the relevant IGO;*
  - *Allow the IGO a timely opportunity to effectively prevent potential misuse and confusion;*
  - *Allow for final and binding determination by an independent third party in order to resolve any disagreement between an IGO and a potential registrant;*
  - *Be at no cost or of a nominal cost only to the IGO; and*
  - *The IGO identifiers are to be protected in two languages*
- GNSO recommendations:
  - *90-days Claims Notice period for acronyms of the IGOs on the GAC list; and*
  - *Issue Report on access to curative rights mechanisms by IGOs and INGOs*

## Notes on the GAC's list of IGOs:

- The list is subject to review prior to the delegation of any new top level domains in a subsequent new gTLD round or every three years, whichever comes earlier
- The list currently contains 192 IGOs, meeting the following criteria:
  - (a) *an international organization established by a treaty and which possesses international legal personality; or*
  - (b) *an “Intergovernmental organization” having received a standing invitation to participate as observer in the sessions and the work of the United Nations General Assembly; or*
  - (c) *a distinct entity, organ or program of the United Nations.*
- The full IGO list (sent March 2013):  
<https://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf>

## The GAC's rationale for protecting the designated RC and IGO identifiers

- For IGOs:
  - *“implementation of such protection is in the public interest given that IGOs as created by governments under international law are objectively different rights-holders”* (from the [London Communique](#), June 2014)
  - *“IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS”* (from the [Beijing Communique](#), April 2013)
- For the RC –
  - *“protections stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions ... Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and their protection could not therefore be adequately treated or addressed under ICANN's curative mechanisms for trademark protection”* (from the [London Communique](#), June 2014)

## SUMMARY:

- Differences mainly lie in type (e.g. reserve from registration or claims notification process) and scope (e.g. duration of claims protection) of protection for *international RC entity names and acronyms, RC National Society names and acronyms, and IGO acronyms*
- Additional, new or modified curative procedures may be needed for effective claims notification protections

## On Red Cross protections:

- Red Cross representatives met with and briefed the GNSO Council in April 2016
- The Council sent a letter to the ICANN Board (which also noted the outstanding matter of IGO protections) on 31 May 2016

## On IGO protections:

- The IGO-INGO Curative Rights PDP Working Group was chartered in June 2014
  - *The WG may publish its preliminary recommendations in an Initial Report for public comment in the second half of 2016*
- The GAC has acknowledged the work of the ongoing IGO-INGO Curative Rights PDP Working Group, as has the ICANN Board (via its New gTLD Program Committee)
  - *See the GAC's [Singapore Communique](#) (February 2015) and the NGPC's [letter](#) to the Council (June 2014)*
- A small group of IGO, GAC and Board (New gTLD Program Committee) representatives had been convened in late 2014 to try to develop a proposal for the GAC's and GNSO's consideration
  - *To date, no final proposal has been received*

# What are possible next steps for the Council and the GNSO?

NOTE: A meeting with the Board has been scheduled for ICANN56

- Following receipt of Board input – consider possibility of amending the remaining inconsistent policy recommendations?
- What is the GNSO process for making such amendments?
- What is the advisability of considering the RC and IGO issues separately vs. in tandem?
- Can/should the IGO-INGO Curative Rights PDP Working Group be requested to consider curative protections for identifiers that are to be protected via Claims Notification only?

## THE GNSO PROCESS FOR AMENDING ADOPTED POLICY RECOMMENDATIONS:

Section 16, GNSO [PDP Manual](#) :

“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; and
3. The GNSO Council approves of such amendments or modifications with a Supermajority Vote of both Houses in favour.”

# Further Information

## **GNSO PDP Information:**

- Summary webpage for the original IGO-INGO Protection in All gTLDs PDP: <http://gnso.icann.org/en/group-activities/active/igo-ingo> (PDP completed November 2013)
- Summary webpage for the subsequent IGO-INGO Curative Rights PDP (ongoing): <http://gnso.icann.org/en/group-activities/active/igo-ingo-crp-access>
- [PDP Manual](#)

## **GAC Advice:**

- GAC advice on IGO protections: <https://gacweb.icann.org/display/GACADV/IGO+Names+and+Acronyms>
- GAC advice on Red Cross protections: <https://gacweb.icann.org/pages/viewpage.action?pageId=41943652>

## **Relevant Correspondence:**

- Board (NGPC) letter requesting consideration of policy amendments (June 2014): <http://gnso.icann.org/en/correspondence/chalaby-to-robinson-16jun14-en.pdf>
- Follow up NGPC letter requesting briefing on status of the IGO-INGO Curative Rights PDP (July 2014): <http://gnso.icann.org/en/correspondence/chalaby-to-robinson-24jul14-en.pdf> (with response from GNSO Chair: <http://gnso.icann.org/en/correspondence/robinson-to-chalaby-08aug14-en.pdf> attaching the Briefing Note: <http://gnso.icann.org/en/correspondence/briefing-note-ngpc-crp-pdp-08aug14-en.pdf>)
- Letter to NGPC noting discussion with NGPC representatives and possibility of amending policy recommendations (Oct 2014): <http://gnso.icann.org/en/correspondence/robinson-to-chalaby-disspain-07oct14-en.pdf> (with response from NGPC (Jan 2015): <http://gnso.icann.org/en/correspondence/chalaby-to-robinson-15jan15-en.pdf>)
- Briefing from RC representatives to GNSO Council (Apr 2016): <http://gnso.icann.org/en/correspondence/curtet-to-gnso-council-14apr16-en.pdf>
- Letter from GNSO Council to ICANN Board requesting update/input (May 2016): <https://www.icann.org/en/system/files/correspondence/gnso-council-chairs-to-crocker-31may16-en.pdf>