

## **GNSO Council Report to the ICANN Board**

### **IGO-INGO PDP**

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#### **Executive Summary**

The Generic Names Supporting Organization (GNSO) unanimously approved at its meeting on 20 November 2013 a number of recommendations concerning the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process (PDP), namely:

- 25 consensus recommendations, which are intended to protect organizational identifiers (full names and limited acronyms) of International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO), including the Red Cross Red Crescent Movement (RCRC) and the International Olympic Committee (IOC).
- Specific recommendations protect certain organizational identifiers by reserving them at the top and second levels which also include an exception procedure for a protected organization registering a reserved name. Where an identifier is not so reserved, the recommended protection may consist of clearinghouse/claims notice protections at the second level, depending on the organization.

Under the ICANN Bylaws, the Council's unanimous (supermajority) support for the motion obligates the Board to adopt the recommendations unless by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

**a. A clear statement of any Successful GNSO Vote recommendation of the Council**

The Generic Names Supporting Organization (GNSO) Council unanimously approved at its meeting on 20 November 2013 the following recommendations on the IGO-INGO PDP:

**Identifier Definitions:**

- Identifier - The full name or acronym used by the organization seeking protection; its eligibility is established by an approved list.
- Scope – the limited list of eligible identifiers distinguished by type (name or acronym) or by additional designations as agreed upon and indicated in the text below; may also include lists approved by the GAC (where this is the case it is expressly indicated as such in the text below).
- Language – The scope of languages for which a Latin-script identifier is to be protected.

#	Red Cross Red Crescent Movement (RCRC) Recommendations
	<ul style="list-style-type: none"> <li>○ <b>Scope 1 Identifiers</b><sup>1</sup>: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6)</li> <li>○ <b>Scope 2 Identifiers</b>: 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 (Language: in English, as well as in their respective national languages; ICRC &amp; IFRC protected in UN6)</li> </ul>
1	<b>Top-Level</b> protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For <i>Red Cross Red Crescent Movement</i> identifiers placed in the Applicant Guidebook as ineligible for delegation at the <b>Top-Level</b> , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level
3	<b>Second-Level</b> protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>Red Cross Red Crescent Movement</i> are placed in Specification 5 of the Registry Agreement
4	For <i>Red Cross Red Crescent Movement</i> identifiers placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the <b>Second-Level</b>
5	<b>Second-Level</b> protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are bulk added as a single list to the Trademark Clearinghouse (TMCH)

<sup>1</sup> The Scope 1 identifiers for RCRC are already placed on the reserved list: <http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>. This list should be confirmed upon Board approval of the GNSO recommendations.

#	Red Cross Red Crescent Movement (RCRC) Recommendations
	<ul style="list-style-type: none"> <li>○ <b>Scope 1 Identifiers</b><sup>1</sup>: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6)</li> <li>○ <b>Scope 2 Identifiers</b>: 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 (Language: in English, as well as in their respective national languages; ICRC &amp; IFRC protected in UN6)</li> </ul>
6	<b>Second-Level</b> protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>Red Cross Red Crescent Movement</i> are bulk added as a single list to the Trademark Clearinghouse
7	<i>Red Cross Red Crescent Movement</i> Scope 2 (Full Name & Acronym) identifiers added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> <sup>2</sup> phase of each new gTLD launch for <b>Second-Level</b> registrations

#	International Olympic Committee (IOC) Recommendations
	<b>Scope 1 Identifiers</b> : olympic, olympiad (Language: UN6, + German, Greek, and Korean) <sup>3,4</sup>
1	<b>Top-Level</b> protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Olympic Committee</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For <i>International Olympic Committee</i> Identifiers placed in the Applicant Guidebook as ineligible for delegation at the <b>Top-Level</b> , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level
3	<b>Second-Level</b> protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Olympic Committee</i> are placed in Specification 5 of the Registry Agreement
4	For <i>International Olympic Committee</i> identifiers placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the <b>Second-Level</b>

<sup>2</sup> If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice, as distinct from the Trademark notices, may be required since IGO-INGO Identifiers are protected on a different legal basis from trademarks.

<sup>3</sup> The Scope 1 identifiers for IOC are already placed on the reserved list: <http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>. This list should be confirmed upon Board approval of the GNSO recommendations.

<sup>4</sup> Note that the IOC did not request protections for acronyms and therefore no recommendations are included within this Scope 1 set.

#	International Governmental Organization (IGO) Recommendations
	<ul style="list-style-type: none"> <li>○ <b>Scope 1 Identifiers:</b> GAC List<sup>5</sup> (22 March 2013) - Full Name (Language: Up to two languages<sup>6</sup>)</li> <li>○ <b>Scope 2 Identifiers:</b> GAC List (22 March 2013) - Acronym (Language: Up to two languages)</li> </ul>
1	<b>Top-Level</b> protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Governmental Organizations</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For <i>International Governmental Organizations</i> Identifiers placed in the Applicant Guidebook as ineligible for delegation at the <b>Top-Level</b> , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the <b>Top-Level</b>
3	<b>Second-Level</b> protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Governmental Organizations</i> are placed in Specification 5 of the Registry Agreement
4	For <i>International Governmental Organizations</i> identifiers placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the <b>Second-Level</b>
5	<b>Second-Level</b> protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the <i>International Governmental Organizations</i> are bulk added as a single list to the Trademark Clearinghouse
6	<i>International Governmental Organizations</i> Scope 2 identifiers added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> <sup>7</sup> phase of each new gTLD launch for <b>Second-Level</b> registrations

<sup>5</sup> List of IGO Full Name & Acronym (Scope 1 & 2) Identifiers from GAC Advice:

<http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf>

<sup>6</sup> The IGO Representatives collaborating with the GAC are to provide a list of the two languages each organization prefers because ICANN may not be in a position to determine which languages should be reserved for each of the 190+ organizations on the GAC list (UN6 is the standard scope for which ICANN conducts translations.)

<sup>7</sup> If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice as distinct from the Trademark notices may be required as IGO-INGO Identifiers are protected on a different legal basis than trademarks.

#	International Non-Governmental Organizations (INGO) Recommendations
	<ul style="list-style-type: none"> <li>○ <b>Scope 1 Identifiers:</b> ECOSOC List<sup>8</sup> (General Consultative Status) (Language: English only)</li> <li>○ <b>Scope 2 Identifiers:</b> ECOSOC List (Special Consultative Status) (Language: English only)</li> </ul> <p><b>***Note, this list of Identifiers are INGOs other than the RCRC and IOC</b></p> <p>See <a href="http://csonet.org/content/documents/E2011INF4.pdf">http://csonet.org/content/documents/E2011INF4.pdf</a></p>
1	<b>Top-Level</b> protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the <i>International Non-Governmental Organizations</i> are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For <i>International Non-Governmental Organizations</i> Identifiers placed in the Applicant Guidebook as ineligible for delegation at the <b>Top-Level</b> , an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level
3	<b>Second-Level</b> protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the <i>International Non-Governmental Organizations</i> are bulk added as a single list to the Trademark Clearinghouse (TMCH) <sup>9</sup>
4	<i>International Non-Governmental Organizations</i> Scope 2 identifiers added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> <sup>10</sup> phase of each new gTLD launch for <b>Second-Level</b> registrations

<sup>8</sup> The Implementation Recommendations Team (IRT) to be formed in relation to this PDP will need to determine how this list is managed as new organizations enter the ECOSOC list. Questions to be determined will include the following: How are new entries added to the TMCH? How will ICANN be notified of changes? How is the protection implemented when an organization's string exceeds 63 characters? Others not determined yet?

<sup>9</sup> The concept of bulk addition into the TMCH was to minimize cost associated with entry and validation. However, the Scope 2 names exceed 2000+ organizations. The IRT will need to determine how contact information required for TMCH forms is to be acquired and validated for bulk entry. Note that voluntary submission requests into TMCH will require backend validation of eligibility.

<sup>10</sup> If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice as distinct from the Trademark notices may be required as IGO-INGO Identifiers are protected on a different legal basis than trademarks.

#	General Recommendations
1	Any current <b>Top-Level</b> protections of Exact Match, Acronym identifiers <b><u>are to be removed</u></b> from the Applicant Guidebook section 2.2.1.2.3, of the Applicant Guidebook, Strings "Ineligible for Delegation".
2	Any current <b>Second-Level</b> protections of Exact Match, Acronym identifiers <b><u>are to be removed</u></b> from Specification 5 <sup>11</sup> of the new gTLD Registry Agreement.
3	<u>For Information Only</u> : The GNSO Council approved the creation of an Issue Report for a possible PDP to determine if the Uniform Dispute Resolution Policy (UDRP) and the new Uniform Rapid Suspension (URS) procedure can be amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections based on their identified designations. The Preliminary Issue Report is expected to be published by the end of January 2014.
4	<u>For Information Only</u> : The GNSO Council approved a request that its Standing Committee on Improvements (SCI) review the Consensus levels as defined in the Working Group Guidelines <sup>12</sup> . This has already been referred to the SCI for review and to determine possible changes or recommendations, if any.

### WG Implementation Considerations of the Recommendations on Incumbent gTLDs

This section suggests some implementation principles for gTLDs delegated prior to the New gTLD Program regarding the recommendations from the GNSO PDP. Should the ICANN Board adopt the GNSO Consensus Policy recommendations, the Council approved an Implementation Review Team to further assist with implementation of the policy on incumbent gTLDs.

It should be noted that several new gTLDs were approved and delegated under the New gTLD Program during the IGO-INGO PDP and leading up to the GNSO Council's approval of the WG's recommendations. The WG did not specifically address the question of implementation in relation to those new gTLDs delegated under the New gTLD Program prior to either GNSO Council or ICANN Board approval of the WG recommendations. For those and additional new

<sup>11</sup> <http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>.

<sup>12</sup> This WG experienced a possible limitation in the currently defined Consensus Levels when assigning "Divergence" to recommendations regarding acronym protections. Under the current GNSO WG Guidelines, "Divergence" is equated to "No Consensus"; however, the use of "Divergence" did not adequately represent the clear lack of support for a proposed recommendation when said recommendation was proposed in the affirmative, for example "Do you support [Recommendation X]?". Although ascribing a "Consensus Against" level of support was discussed, the WG Chair was equally concerned about not adhering to current Working Group Guidelines in a manner which could introduce risk to the process, because "Consensus Against" is not formally defined in the WG Guidelines.

gTLDs that continue to be delegated under the New gTLD Program, it may be necessary to achieve implementation either via a new term in the New gTLD Registry Agreement, or as an additional term in a signed New gTLD Registry Agreement, as appropriate.

An excerpt from IGO-INGO WG Charter: "...determine how incumbent registries should meet the new policy recommendations, if any."

**Scope and Assumptions:**

- Existing gTLDs Only (Delegation pre-2012)
- Only second-level proposed protection recommendations apply
- Assumes that the PDP recommendations are supported and adopted for new gTLDs by the ICANN Board

**PDP WG Proposed Principles of Implementation<sup>13</sup>:**

- Any policies adopted for new gTLDs shall apply equally to existing gTLDs to the extent they are relevant (for example second-level IGO-INGO protections utilizing TMCH, sunrise, claims will not apply) and do not infringe on the existing rights of others.
- An Implementation Review Team (IRT) should be formed to collaborate as required with ICANN staff and the GNSO community to implement applicable consensus policies for incumbent gTLDs.
- For clarification purposes, second-level names matching a protected identifier, as identified via any consensus policies defined here, and that are not registered within an existing gTLD, shall be immediately reserved from registration in the same manner as for new gTLDs.
- Due to the time lag between the date the WG and GNSO Council adopts recommendations, if any, and the date the recommendations are implemented, there is a possibility of front-running, whereby some identifiers not previously registered could be registered by parties before the policy is in effect. A mechanism to guard against front-running should be defined, such as establishing the date these recommendations were adopted by the WG or GNSO Council as the measurement date that determines how a domain name matching a protected identifier is treated. This should be implemented as soon as practically possible.
- A second-level registration within an existing gTLD that matches a protected identifier, as identified via any consensus policies defined here, and the registration of said name, if registered prior to implementation of protections or any such cutoff date as may be determined, shall be handled like any existing registered name within the incumbent gTLD regarding renewals, transfers, sale, change of registrant, etc.
- The previous point notwithstanding, if a second-level name that matches a protected identifier (as identified via any consensus policies defined in the WG's Final Report) has been registered previously, it may not be transferred to a new registrant after expiration

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<sup>13</sup> To make the Buenos Aires deadline, the WG agreed to refer these principles to the Implementation Review Team. Note that these principles were not voted as a recommendation(s) by the GNSO Council. Original text can be found in the Final Report: <http://gns0.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>

under registration agreement terms which would otherwise allow a registrar to, on its own accord, auction, sell or otherwise effect a change of registrant. Such registrations, if not renewed by the Registrant at Expiration (as defined in the Expired Registration Recovery Policy) must be deleted by the registrar after the termination of any renewal grace periods. At the time the name completes eligible grace periods and becomes eligible for deletion, the name shall not be reallocated by the Registry and shall be deemed ineligible for registration per the defined policy.

- 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.
- For clarification purposes, second-level names matching a protected identifier that are also registered by a party other than the protected organization and bad faith use vis-à-vis the protected organization is suspected, the protected organization may have access to RPMs like the UDRP, pending a PDP to address how the IGO-INGO organizations may access RPMs.

**b. If a Successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the constituency(ies) or Stakeholder Group(s) that held the position;**

Not Applicable

**c. An analysis of how the issue would affect each constituency or Stakeholder Group, including any financial impact on the constituency or Stakeholder Group;**

Despite the unanimous support of the IGO-INGO consensus recommendations by the GNSO Council, Constituencies (C) and Stakeholder Groups (SG) still have differing views about the benefits of the protections being afforded to the IGO-INGO organizations. The views range from no protections to full reservation protections of IGO-INGO identifiers. IGO representatives, who participated in the WG, maintain their current position that the GNSO's consensus recommendations do not go far enough to protect their identifiers, particularly in relation to acronyms. Conversely, the SGs & Cs all agreed that acronyms should not be reserved, as reflected in the WG's consensus recommendations. It was recognized by the WG that third party entities may also have a legitimate right and interest to register and use similar acronym identifiers. Additionally, there was a common understanding in the WG that the IGO-INGO organizations have limited recourse with current curative protection mechanisms or have



increased cost associated to mitigating abuse of their associated identifiers, thus diverting funds away from serving the public interest.

The central difficulty with determining the most appropriate scope of protection for IGO and INGO identifiers lies with the different basis of legal protection that these organizations may enjoy, both vis-à-vis each other as well as in comparison to trademark and other intellectual property rights owners. Where certain INGOs such as the RCRC and the IOC enjoy a high level of international recognition and legal protection both by virtue of international treaty and various national laws, this is not necessarily true of all INGOs. Some IGOs, on the other hand, may not enjoy a high level of international renown, but nonetheless because of their status as IGOs, they are protected by international treaty and national laws. In regards to the scope of such international protection, IGO identifiers are largely protected only insofar as they are prohibited from trademark-like usage by third parties through the Paris Convention for Industrial Property, while the emblems of the RCRC and IOC are protected by two separate and distinct treaties. The WG therefore could not arrive at a set of uniform, objective criteria under which IGOs and INGOs could be protected as domain names. Instead, each type of organization was considered separately from the others, with the resulting four categories as listed in “Section a” above.

If the Board adopts the GNSO-approved recommendations, the full names of IGOs and INGOs will be protected against illegitimate registrations by third parties other than the protected organizations at both the top and second levels. IGO acronyms will enjoy limited protection at the second level through entry in the TMCH and participation in the 90-days claims notification process. In addition, the GNSO will be considering an Issue Report on modifying the existing UDRP and URS procedures in order to enable protected IGOs and INGOs to access and rely on these additional curative rights protection mechanisms. The GNSO SGs and Cs, as well as IGO and INGO representatives, are expected to be active participants in that discussion, since any PDP on amending these curative policies will impact existing dispute resolution processes currently in place for second-level gTLD domain names.

The GNSO Council recognizes that implementation of these protection recommendations may have a considerable impact on gTLD Registries, as these recommendations apply to both New

gTLDs and incumbent gTLDs. The following observations are offered by ICANN staff as a guide to the possible impacts to implementation that may exist.

First, technical implementation of second-level reservation recommendations on new gTLDs may not result in any major financial impact because it should only require gTLD Registries to update their systems to reflect the most recent version of the Reserved Names list noted in Specification 5 of the new gTLD Registry Agreement. With regards to TMCH/Claims protections, a Registry will pay a transactional fee for any additional names that become registered by Registrants where the TMCH is used to generate a match. It is anticipated that only acronyms added to the TMCH will have this associated charge, as it is less likely that any full names of the organizations being protected will match those of other existing organizations or entities wishing to register that full name. Implementation of second-level reservation recommendations on incumbent gTLDs are discussed in further detail below.

Secondly, because the IGO-INGO recommendations apply to all gTLDs and as noted in “Section a.” above, another possible impact to gTLD Registries could depend on how the recommendations are deployed in incumbent gTLDs. The IGO-INGO WG discussed the impact of the second-level recommendations on existing gTLDs near the end of its deliberations and developed the list of implementation principles reproduced above. However, additional research and requirements gathering will be necessary not only to flesh out the extent of the technical issues that may arise, in addition to determining the most appropriate contractual mechanism by which to impose these new Consensus Policies across all gTLDs (as noted above).

Lastly, the design and implementation of the recommended Exception Procedures at the top and second level may impact gTLD Registries. ICANN staff and the future Implementation Review Team (IRT), should the ICANN Board adopt these recommendations, will need to determine the best solution for when a protected IGO-INGO organization wishes to register a specific identifier that is listed on the Reserved Names List(s)<sup>14</sup>. The IGO-INGO WG briefly discussed the use of the Registry Services Evaluation Process (RSEP), but no definitive solution was determined with the WG noting that the IRT in combination with staff will have to develop

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<sup>14</sup> Note that Reserved Names List(s) are defined differently for the New gTLDs from that of the incumbent gTLDs.

the detailed requirements for second-level reservation exceptions. It is not expected that top-level “ineligible for registration” reservation of strings will likely have any impact on gTLD Registries, because most resource requirements will likely be fulfilled by ICANN staff. However, similar to the second-level exception procedure mentioned above, an exception procedure for top-level reservations will need to be developed for future rounds of the New gTLD Program.

**d. An analysis of the period of time that would likely be necessary to implement the policy;**

At the present time, it is difficult to estimate the time frame in which all IGO-INGO consensus recommendations can be implemented. Staff will need to carry out a further analysis in order to determine how these recommendations and the transition can be best managed.

Recommendations that affect new gTLDs may also need to be prioritized as presumably there are benefits to having these implemented before a majority of new gTLDs are delegated. A non-exhaustive list of dependencies is as follows:

- The ICANN Board must also conclude its dialogue with the GAC regarding the GAC advice given to the Board on this issue.
- A considerable amount of resources will be required from ICANN staff, possibly competing against existing resources implementing the New gTLD Program.
- Greater analysis by staff, Deloitte, and IBM is required for any modifications to the TMCH and its associated process and procedures.
- Details in how the Consensus Policy will be deployed on incumbent gTLDs are dependent upon the IRT and staff to finalize the requirements for its implementation.

Given the ongoing implementation of the New gTLD Program and in particular the ongoing delegation of additional new gTLDs, it may be necessary to prioritize implementation issues relating to new gTLDs and the finalization of any resulting changes and measures that will need to be taken. Dialogue with incumbent gTLDs should also be commenced to discuss the other implementation issues discussed above.

**e. The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest;**

No outside advisors provided input to the Working Group.

**f. The Final Report submitted to the Council**

The IGO-INGO Final Report can be found here:

- [IGO-INGO Final Report](#)

- [Supplement A – Minority Positions](#)
- [Supplement B – WG Consensus Call Tool](#)
- [Supplement C – Public Comment Review Tool](#)
- [Supplement D – Red Cross Red Crescent Societies Identifier List](#)
- Translations of the Final Report will be available shortly (see <http://gnso.icann.org/en/group-activities/active/igo-ingo>).

**g. A copy of the minutes of the Council deliberation on the policy issue, including the all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.**

The GNSO Council deliberated the IGO-INGO PDP results and adopted the WG’s recommendations during the [ICANN 48 Buenos Aires meeting](#):

- Saturday GNSO Session: <http://buenosaires48.icann.org/en/schedule/sat-gnso-working/transcript-transliteration-contact-16nov13-en.pdf>
- Sunday GNSO Session: <http://buenosaires48.icann.org/en/schedule/sun-gnso-working/transcript-igo-ingo-17nov13-en.pdf>
- Wednesday GNSO Council Meeting: <http://buenosaires48.icann.org/en/schedule/wed-gnso-council/transcript-gnso-council-20nov13-en.pdf>

## **ADDITIONAL INFORMATION**

### **h. Consultations undertaken**

#### ***External***

In addition to regular updates to the GNSO Council, workshops were organized to inform and solicit the input from the ICANN Community at ICANN meetings:

- ICANN 46 – Beijing: <http://beijing46.icann.org/node/37039>
- ICANN 47 – Durban: <http://durban47.icann.org/node/39655>

Constituency / Stakeholder Group Statements were requested as well as input from other ICANN Supporting Organizations and Advisory Committees at an early stage of the process. Almost all GNSO Stakeholder Groups and Constituencies provided input, in addition to the At-Large Advisory Committee (see <https://community.icann.org/x/UQdlAg>). As noted above, IGO

and INGO representatives who participated in the WG also submitted Minority Positions which were included in full in the WG's Final Report.

Further, the WG also specifically considered GAC advice as submitted to the ICANN Board and via communiques after ICANN meetings. As mentioned in a previous section, the WG did not reach consensus on a single set of eligibility criteria that would lead to a definitive list of organizations and minimizing the number of organizations seeking protection. The WG ultimately used the GAC's advice relating to the RCRC, IOC and IGOs as the basis for eligibility and to generate its definitive list.

The WG also opened two public comment forums for its reports:

- Initial Report - <http://www.icann.org/en/news/public-comment/igo-ingo-initial-14jun13-en.htm>
- Draft Final Report - <http://www.icann.org/en/news/public-comment/igo-ingo-final-20sep13-en.htm>
  - PCRT Review tool: <http://gnso.icann.org/en/issues/igo-ingo-final-public-comment-review-08nov13-en.pdf>

All comments received were reviewed and considered by the IGO-INGO PDP Working Group (see [section 6 of the Final Report](#)).

### ***Internal***

Regular updates were provided to the different ICANN departments potentially affected by these recommendations (e.g. compliance, registrar/registry relations, and legal teams) under consideration and potential issues were raised with the IGO-INGO PDP WG. As one of the deliverables from the WG's Charter the General Counsel's Office provided research on whether it was aware of possible legal prohibitions with respect to registration of domains using the identifiers of the IGOs and INGOs at issue, or assignment by ICANN at the top level. [Annex 5 of the WG's Final Report](#) contains the research submitted to the WG.

**i. Summary and Analysis of Public Comment Forum to provide input on the IGO-INGO Recommendations adopted by the GNSO Council prior to ICANN Board consideration**

A public comment forum to solicit input on the recommendations prior to Board consideration was opened on 27 November 2013 (see <http://www.icann.org/en/news/public-comment/igo-ingo-recommendations-27nov13-en.htm>). The Comment Period closed on 18 December 2013 and 8 January 2014 was the close of the Reply Period. Thirty-nine comments were submitted in total.

A majority of the comments received were from IGOs reinforcing their position that the organizational acronyms should be protected based on their unique status and that the recommendations proposed by the IGO-INGO WG, and subsequently approved by the GNSO Council, were not sufficient. Specifically, the United Nations Office (UNO) submitted its comment on 12 Dec 2013 stating that the recommendations were inadequate to protect IGOs and that they do not address the inherent risk of private entities impersonating its subsidiary bodies. They also noted support in that acronyms should not be reserved without a possibility of reconsideration because certain legitimate interest may exist. Concluding the UNO's position, it is their view that protections should be preventative and not curative. On 18 Dec 2013, the last day of the comment period, twenty-nine other IGOs submitted comments in support of the UNO's statement, with a few of these IGOs submitting more detailed but similar comments in support for protections of acronyms and their respective identifiers. After the close of the comment period, three additional IGO's submitted comments in support of acronym protection as well.

Five additional comments were submitted to the public comment forum. One comment came from the Internet Commerce Association (ICA) and the other two from individuals within the domain industry. Counter to the position of the IGO comments submitted, these three comments did not support any protections for IGO and INGO acronyms, citing property rights of others and equal access for legitimate use other than the organization requesting protections. The ICA also expressed support of the WG's recommendations with the exception of those recommendations that provided TMCH (Claims) protections for acronyms. Lastly, the RySG and ALAC submitted comments. The RySG stated support for the recommendations and the results of the bottom up process. ALAC resubmitted their Minority Position statement as appended to

the WG's Final Report noting concerns with the group of consensus recommendations. The Public Comment Report is posted on the [forum page](#).

**j. Impact / Implementation Considerations from ICANN Staff**

At this point, it is difficult to accurately size the resource requirements to implement all of the consensus recommendations. However there is a high degree of confidence that considerable ICANN staff resources will be required. Staff will need to carry out an analysis of scope and possible budget implications in order to determine how the implementation and the transition can be best managed. After which, staff will be in a position to share a proposed implementation plan with the IRT approved by the GNSO Council should the Board adopt the consensus recommendations. As part of this analysis, additional questions and/or issues may arise that staff would aim to address in consultation with the IRT. Additional time and resources are expected to ensure that the implementation is accompanied with requirements definition, and project plan(s) to ensure efficient implementation and communication of the new requirements to all parties involved, particularly given the ongoing implementation of the New gTLD Program. The following list depicts a non-exhaustive list of primary tasks that are likely to need considerable resources:

- Confirm final scope of identifiers to be protected and their respective language conversions.
- Review and revise (as needed) reserved lists for both incumbent and new gTLDs.
- Confirm processes and software development requirements for changes needed to accommodate for IGO-INGO entry into the TMCH.
- Coordinate the bulk addition of appropriate identifiers into the TMCH.
- Rewrite of Claims notice message sent during the 90-day Claims period(s) that better reflect the legal basis why an identifier triggers a notification.
- Develop exception procedures for reservation of names at the second-level and update the Applicant Guidebook for the next round of gTLDs for top-level reservations.
- Possible GNSO PDP on IGO-INGO access to curative rights mechanisms; pending a Final Issue Report and GNSO Council vote.
- Resolve reservation protection inconsistencies between temporary protections for the New gTLD Program and the final policies adopted by the Board.



- Updates to contracts or consensus policy advisories where necessary for incumbent gTLDs