From: Olivier MJ Crepin-Leblond
Subject: Fwd: Correspondence from the ALAC regarding IGO and INGO Identifiers in All gTLDs (PDP) Recommendations for Board Consideration
Date: January 30, 2014 9:45:01 AM EST
To: Steve Crocker
Cc: Secretary, ICANN AtLarge Staff

Dear Steve,

in my capacity as ALAC Chair, I have been asked by the ALAC to forward the official correspondence below which was sent to the public comment process, to you for distribution to Board members when the discussion on IGO and INGO Identifiers takes place. Please do not hesitate to contact me should the Board need any further clarification on the matter.
Kind regards,

Olivier MJ Crépin-Leblond
ALAC Chair

 -------- Original Message --------

Subject: Correspondence from the ALAC regarding IGO and INGO Identifiers in All gTLDs (PDP) Recommendations for Board Consideration
Date: Thu, 09 Jan 2014 19:25:57 +0000
From: Olivier MJ Crepin-Leblond <
To: comments-igo-ingo-recommendations-27nov13@icann.org

Ref: AL-ALAC-CO-0114-2-00-EN

Dear Sir/Madam,

the At-Large Advisory Committee has already made its position known on several occasions in past Statements and in its Minority Statement published in Appendix A subheading 6 of the Final Report. We kindly draw the attention of the Board to this Appendix.

Kind regards,

Olivier MJ Crépin-Leblond
ALAC Chair

This Minority Statement is reproduced below.

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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 on specific outcomes of this PDP are reflected in the Final Report.

Given the wide range of views expressed in this report, and noting that nothing presented 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 positions.

The Draft Final Report includes a wide variety of Recommendations some reflecting a WG Consensus (as defined by the GNSO Working Group Guidelines) some with an even weaker level of support. 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 of the recommendations originally considered by the WG and strongly supported by some, the overall participant views were Divergent. The collection of Recommendations with Consensus level or Strong support, taken as a whole, does not form a cohesive and consistent set of policies. Although each individual Recommendation received sufficient support, the net result is a set of Recommendations that may be incomplete and perhaps even conflicting. [1]

The ALAC is particularly concerned that granting blocking-level protections may prohibit other reasonable uses of the same strings, and is not satisfied that the exception procedure options outlined in the report could meet the targets that the ALAC believes are mandatory.

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.

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 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.

[1] As an example, there may be cases where a strong protection is not recommended, but the recommendations may be silent on weaker forms of protection.

[2] Although not a gTLD registration, 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.