



Geneva, 10<sup>th</sup> July 2013

Dear Mr Akram Attalah,

Further to our letter of 15 June 2012, we write again on behalf of the International Committee of the Red Cross (ICRC) and of the International Federation of Red Cross and Red Crescent Societies (IFRC) acting on behalf of the worldwide community of National Red Cross and Red Crescent Societies (collectively the International Red Cross Red Crescent Movement).

We annex hereto a position paper formally requesting the ICANN Board of Directors to resolve to permanently protect the Red Cross and Red Crescent designations and names (i.e., red cross, red crescent, and related designations, hereafter, the "designations") from registration as top level and second level domain names and to ensure that these protections include not only the terms but also the full names of the different Red Cross and Red Crescent organizations, i.e.

- the 189 National Red Cross and Red Crescent Societies recognized within the Movement,
- the International Committee of the Red Cross (ICRC), and
- the International Federation of Red Cross and Red Crescent Societies (IFRC).

ICANN's domain name system, including the "New gTLD Program", must reflect the important obligations imposed under the strict legal regime of the 1949 Geneva Conventions and their Additional Protocols, as well as under the national laws in force in multiple jurisdictions.

These norms specifically reserve the use of the designations to a limited number of duly authorised persons - namely and principally the medical services of armed forces, duly authorized civilian hospitals and medical units assigned to the treatment of the wounded and sick in times of armed conflict, and the respective components of the International Red Cross and Red Crescent Movement that are mandated to provide neutral and impartial humanitarian assistance in all situations of crisis. The 1949 Geneva Conventions which ground the protections of these designations and names are today among the most widely ratified treaties in the world, covering virtually all countries and territories.

Mr Akram Attalah  
Divisional President of the Generic Domains Division (GDD)  
Internet Corporation for Assigned Names and Numbers (ICANN)  
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Marina del Rey, CA 90292-6601  
United States of America

The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and the National Societies, form the International Red Cross and Red Crescent Movement.



The attached paper: (1) summarizes the unique nature of the Red Cross and Red Crescent designations and names and outlines the legal grounds and rationale for their protection, and (2) suggests further actions and measures to be undertaken by ICANN and other stakeholders in order to make the protections of the designations and names both permanent and effective. The paper also explains the International Red Cross Red Crescent Movement's mandate and efforts to assist the ICANN community to meet the international and national legal obligations to protect and reserve these internationally recognised designations.

The protection of the designations from any form of misuse, while primarily the responsibility of States, is a core function of the Red Cross and Red Crescent organizations.

The International Red Cross Red Crescent Movement and its respective components wish herewith to urge the ICANN Board to complement the steps already undertaken and to adopt all the measures within its authority and role to ensure the permanent protection of all designations and names from unauthorised registration as top level or second domain names on the Internet.

As you will be aware, representatives of the ICRC and IFRC will be attending ICANN's upcoming Durban meeting, led by Ms Charlotte Lindsey Curtet, ICRC Director for Communication and Information Management, and we sincerely hope that a conclusive decision with regard to permanent protection for the red cross and red crescent and related designations and names is taken in Durban.

While thanking you and the Board of ICANN for your consideration of the present request, as well as to the elements and proposals formulated in the position paper annexed hereto, we remain,

Yours sincerely,



Yves Daccord  
Director General  
International Committee of the Red Cross



Bekele Gelata  
Secretary General  
International Federation of Red Cross  
and Red Crescent Societies

- c.c.:
1. Mr. Fadi Chehade, CEO and President
  2. Dr. Steve Crocker, Chairman, Board of Directors
  3. Mr Cherine Chalaby, Chair of the new gTLD Program Committee





Geneva, 10<sup>th</sup> July 2013

Dear Mr. Fadi Chehade,

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Mr. Fadi Chehade  
CEO and President  
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The protection of the designations from any form of misuse, while primarily the responsibility of States, is a core function of the Red Cross and Red Crescent organizations.

The International Red Cross Red Crescent Movement and its respective components wish herewith to urge the ICANN Board to complement the steps already undertaken and to adopt all the measures within its authority and role to ensure the permanent protection of all designations and names from unauthorised registration as top level or second domain names on the Internet.

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- c.c.:
1. Dr. Steve Crocker, Chairman, Board of Directors
  2. Mr Cherine Chalaby, Chair of the new gTLD Program Committee
  3. Mr Akram Attalah, Divisional President of the Generic Domains Division (GDD)





Geneva, 10<sup>th</sup> July 2013

Dear Mr Cherine Chalaby,

Further to our letter of 15 June 2012, we write again on behalf of the International Committee of the Red Cross (ICRC) and of the International Federation of Red Cross and Red Crescent Societies (IFRC) acting on behalf of the worldwide community of National Red Cross and Red Crescent Societies (collectively the International Red Cross Red Crescent Movement).

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Mr Cherine Chalaby  
Chair of the new gTLD Program Committee  
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The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and the National Societies, form the International Red Cross and Red Crescent Movement.



International Federation  
of Red Cross and Red Crescent Societies

The International Federation of Red Cross and Red Crescent Societies promotes the humanitarian activities of National Societies among vulnerable people. By coordinating international disaster relief and encouraging development support it seeks to prevent and alleviate human suffering.



ICRC

The ICRC, which gave rise to the Movement, is an independent humanitarian institution. As a neutral intermediary in the event of armed conflict or unrest, it endeavours, on its own initiative or on the basis of the Geneva Conventions, to bring protection and assistance to the victims of international and non-international armed conflict and internal disturbances and tension.

The attached paper: (1) summarizes the unique nature of the Red Cross and Red Crescent designations and names and outlines the legal grounds and rationale for their protection, and (2) suggests further actions and measures to be undertaken by ICANN and other stakeholders in order to make the protections of the designations and names both permanent and effective. The paper also explains the International Red Cross Red Crescent Movement's mandate and efforts to assist the ICANN community to meet the international and national legal obligations to protect and reserve these internationally recognised designations.

The protection of the designations from any form of misuse, while primarily the responsibility of States, is a core function of the Red Cross and Red Crescent organizations.

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The International Red Cross Red Crescent Movement and its respective components wish herewith to urge the ICANN Board to complement the steps already undertaken and to adopt all the measures within its authority and role to ensure the permanent protection of all designations and names from unauthorised registration as top level or second domain names on the Internet.

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  3. Mr Akram Attalah, Divisional President of the Generic Domains Division (GDD)



**To the attention of the ICANN Board**

**Re: Protection of Red Cross/Red Crescent Designations  
in the Domain Name System**

**Position paper submitted  
by the International Committee of the Red Cross (ICRC) and the  
International Federation of Red Cross and Red Crescent Societies (IFRC)**

**Geneva, 6 July 2013**

**Executive Summary**

The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), and National Red Cross and Red Crescent Societies present in virtually every country and territory of the world (collectively named hereafter the “Movement”), have been actively engaged in the past two years in a dialogue with ICANN in order to call for the permanent protection of the Red Cross and Red Crescent designations (i.e., “red cross”, “red crescent”, “red crystal” and “red lion and sun”) and related names,<sup>1</sup> (hereafter the “designations”) from registration as top level and second level domain names.

The components of the Movement have for several years now consistently maintained, on the basis of universally accepted norms of international humanitarian law (the 1949 Geneva Conventions and their Additional Protocols) that these designations cannot be abused or misused in domain names. The rapid growth of the Internet has however made it necessary for the Movement to develop a closer relationship with the Internet’s regulatory bodies at the national and international levels (including ICANN), as well as with registrars and registries and all actors along the domain name registration trail. This dialogue is intended to find ways of achieving, implementing and enforcing on the Internet and in domain names the level of protection which the designations enjoy under international law and the national legislation in force in multiple jurisdictions.

The recent launch of the “New gTLD program” and the steps already undertaken by ICANN to preserve the designations from registration reflect significant progress. These include in particular the confirmation by ICANN’s Board of a temporary reservation at the top and second levels of the designations set out in the Applicant Guidebook and in Annex 5 to the revised Registry Agreement. This welcome step indicates that the protection of the designations, which is based upon universally accepted norms of international humanitarian law and which the Government Advisory Committee (GAC) to ICANN has consistently supported, is being given due consideration.

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<sup>1</sup> A list of the designations currently reserved from registration according to the Board’s Resolution 2011.06.20.01 is found in Annex 1. A list of the full names of the respective components of the International Red Cross and Red Crescent Movement is attached in Annex 2.

The objective of the present Position paper is to urge the ICANN Board to extend the existing protections of the designations from registration as top and second level domain names through:

1. the express extension of the list of reserved designations at top and second levels (as foreseen in the Applicant Guidebook and in Annex 5 to the revised Registry Agreement) to include the full names of the different Red Cross and Red Crescent organizations, i.e.
  - the 189 National Red Cross and Red Crescent Societies recognized within the Movement,
  - the International Committee of the Red Cross (ICRC), and
  - the International Federation of Red Cross and Red Crescent Societies (IFRC).

This would conform to the requirements of international humanitarian law and would ensure that the reservation covers not only the designations *per se* (i.e. Red Cross, Red Crescent or Red Crystal), but also the full names of the different Red Cross and Red Crescent organizations, such as “American Red Cross”, “Croix-Rouge française”, or “Egyptian Red Crescent”, in English and thus as far as possible in the official languages of their respective States of origin. The names of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies should furthermore be reserved in the six United Nations languages, together with the usual initials of both organizations (ICRC and IFRC). This would also be achieved with the implementation of a string similarity review mechanism “by key word” to prevent the registration of strings including either of the “red cross” or “red crescent” designations.

2. the inclusion of the designations and names on a “Modified Reserved Names List”. This would importantly preserve the entitlement of Movement components to register domain names containing the designations should they require to do so. This would also conform to the above-mentioned international treaties and norms, which provide for the use of the designations by the respective Red Cross and Red Crescent organizations to show their association and link with the Movement.

3. the establishment of a string similarity review to prevent the registration of strings confusingly similar to the Red Cross and Red Crescent designations and related names at the top and second levels. This would reflect the provisions of international humanitarian law expressly prohibiting unauthorised use, at all times, including of imitations of the designations (Article 53 of the First Geneva Convention). Illustrations of such imitations include, for example, ‘Red Kross’, ‘Redd Crescent’ or ‘Red Cristal’.

Together with the distinctive emblems, these designations facilitate the protection and safe access of armed forces’ medical services and of others caring for the wounded and sick in times of armed conflict. They also serve to identify Red Cross and Red Crescent organizations, that are mandated to provide neutral and impartial humanitarian assistance in all situations of crisis.

The protection of the designations from any forms of misuse, while primarily the responsibility of States, is a core function of the Red Cross and Red Crescent organizations.



The Movement and its respective components wish to urge the ICANN Board to complement the steps already undertaken and to adopt all the measures within its authority and role to ensure the permanent protection of all designations from unauthorised registration as top level or second domain names on the Internet.

## **Introduction**

ICANN's domain name system, including the "New gTLD Program", must reflect the important obligations imposed under the legal regime of the 1949 Geneva Conventions and their Additional Protocols, as well as under relevant national laws in force in multiple jurisdictions.

These norms specifically reserve the use of the designations ("red cross", "red crescent", "red crystal" and "red lion and sun") to a limited number of duly authorised persons - namely and principally the medical services of armed forces, duly authorized civilian hospitals and medical units assigned to the treatment of the wounded and sick in times of armed conflict, and the respective components of Movement.

This paper: (1) summarizes the unique nature of the designations and outlines the legal grounds and rationale for their protection, and (2) suggests further actions and measures to be undertaken by ICANN and other stakeholders in order to ensure that the protections of the designations are both permanent and effective.

It furthermore explains the Movement's mandate and efforts to assist the ICANN community to meet the international and national legal obligations to protect and reserve these internationally recognised designations.

It notes that the 1949 Geneva Conventions, which ground the protections of these designations, are today among the most widely ratified treaties in the world, covering virtually all countries and territories.

### ***The primary function of the designations: protecting the wounded and sick in times of armed conflict and those who care for them***

The protection awarded to the designations finds its legal foundation in universally ratified international treaties – namely the 1949 Geneva Conventions, today ratified by 195 States, and their Additional Protocols of 1977 and 2005.<sup>2</sup> These distinctive

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<sup>2</sup> The first Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 provides equal protection to the emblems of the red cross, red crescent and red lion and sun. Article 44 provides that "[...] the emblem of the red cross on a white ground and the words "Red Cross, or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the other emblems mentioned in Article 38, paragraph 2, in respect of the countries that use them [the red crescent, the red lion and sun]".

The red crystal was confirmed to designate the distinctive emblem of the Third Protocol to the Geneva Conventions by Resolution 1 adopted by Governments and the Movement meeting at the 29th International Conference of the Red Cross and Red Crescent. Article 2 of the Third Protocol Additional to the Geneva Conventions (adopted on 8 December 2005) confirms in its Article 2, that "[this Protocol] recognizes an additional distinctive emblem in addition to, and for the same purposes as, the distinctive emblems of the Geneva Conventions. The distinctive emblems shall enjoy equal status". Article 6 (Prevention and repression of misuse), paragraph 1 provides that "[t]he provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem". It is inferred that the protection of the designations under the Geneva Conventions must apply equally to the designation "red crystal". The third Protocol Additional to the 1949 Geneva Conventions counts to date 61 States parties and 33 States signatories.

designations sit at the very heart of international humanitarian law and the protection of victims of armed conflict. During armed conflict, the protection of armed forces medical services, and of the wounded and sick on the battlefield which medical services seek to assist and care for, depends to a considerable extent on the full respect of the emblems in their protective function. Similarly, in wartime and in other situations of violence, the safe access of the Red Cross and Red Crescent actors to the victims requires that the names, initials and symbols of the Movement be duly respected at all times.

In recognition of this fact, the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005 contain explicit prohibitions against unauthorised use of the emblems and of their designations and require States parties to take adequate measures to prevent and repress abuses.<sup>3</sup> In times of conflict, such abuses can cost lives and therefore, may constitute war crimes.<sup>4</sup> At all times, they cause erosion of the respect that belligerents and civilians must have for the distinctive emblems and for their designations. Abuses can lastly jeopardize the ability of the Movement and of its components to fulfil their humanitarian mission in times of war.<sup>5</sup>

### ***The entitlement of the components of the Movement to use its designations for indicative purposes***

In addition to their protective function during armed conflict, the emblems and designations have a further purpose – namely to identify the respective components of the Movement.<sup>6</sup> The latter thus enjoy an international entitlement under the 1949 Geneva Conventions to use the designations as a means of identification (what international humanitarian law refers to as the “indicative use” of the emblems and their designations). Again, this indicative use flows from the Geneva Conventions and not from international or domestic trademark or unfair competition laws.

The components of the Movement have thus a strong and enduring concern to ensure the protection of the designations from all forms of misuse or misrepresentation, and to ensure that any entitlement to their use is duly restricted in accordance with the requirements of international law. In this regard, the following should be recalled:

- The role and mandates of the Red Cross and Red Crescent actors defined by States in international treaties, as well as under the Statutes of the Movement (adopted by Governments and National Societies sitting together at the Movement’s International Conference<sup>7</sup>). These include a unique status and specific mandates to act in situations of humanitarian crises, be they armed conflicts and other situations of violence, natural disasters or other humanitarian emergencies.

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3 Arts. 53, 54, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field of 12 August 1949, (GC I); Arts. 38(1), 85 (3)(f), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Conflicts of 8 June 1977 (AP I).

4 Id. Art. 85 (3)(f), AP I. See, also, Rome Statute of the International Criminal Court, Art. 8(2)(b)(vii).

5 Id. Art. 85 (3)(f), AP I. See, also, Rome Statute of the International Criminal Court, Art. 8(2)(b)(vii).

6 Art. 44, GCI

7 The International Conference of the Red Cross and Red Crescent is the supreme deliberative body of the Movement. “At the International Conference, representatives of the components of the Movement meet with representatives of the States Party to the Geneva Conventions (...). Together they examine and decide upon humanitarian matters of common interest and any other related matter” (see Art. 8 of the Statutes of the International Red Cross and Red Crescent Movement). The International Conference meets - in principle - every four years and brings together the respective components of the Movement (the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and 188 National Red Cross or Red Crescent Societies recognized within the Movement), as well as representatives of all the States party to the 1949 Geneva Conventions (194 by 31st May 2012).



- The specific role and responsibilities devolved upon the components of the Movement in support of their national authorities to monitor and to undertake appropriate actions and interventions in the event of any and all forms of misuse of the designations, including on the internet. The ICRC enjoys in this respect a particular mandate as guardian or curator of international humanitarian law, including international rules on the protection of the distinctive emblems of the red cross, red crescent, red lion and sun and red crystal and their designations. National Red Cross and Red Crescent Societies are represented by the IFRC at the international level and undertake their humanitarian work at the national level with the support, as required, of the ICRC, the IFRC and their sister National Societies. They are also entrusted, as auxiliaries to their respective State authorities in the humanitarian field, with monitoring and assisting their public authorities in enforcing the protection of the designations and names.
- The designations must at all times be protected from misuse or misrepresentation. Misuse of the designations brings risks and potential damage to the perception of the emblems within the community. It may also cause prejudice to the reputation of the Movement and to its components, as well as to their respective operations in favour of vulnerable persons and communities affected by armed conflict, natural disasters and other humanitarian emergencies. Any misuse of the designations at any time erodes the respect that belligerents and civilians have for the emblems and designations, thus compromising the ability of the components of the Movement to fulfil their humanitarian mission and mandate.
- National Red Cross and Red Crescent Societies are entities formed in their respective countries by legislation or by government decree. They are not non-governmental organizations, but are formally recognized and respected as “auxiliaries to their public authorities in the humanitarian field”. As a consequence, the IFRC is treated by the United Nations General Assembly in a special character neither as a governmental nor a non-governmental participant in United Nations (UN) sessions, but as an observer with special access and participatory rights<sup>8</sup>. The ICRC enjoys on its part a similar international status, as a consequence of its mandate as the guardian of the 1949 Geneva Conventions and of international humanitarian law, stemming from these universally accepted international treaties.
- The growth of the internet, which represents for the Movement and its components a formidable tool for positioning its work and its humanitarian diplomacy concerns, has also created difficult new challenges for the protection of the distinctive emblems and designations. It has transformed an issue which had been handled over the years by the Movement’s components at the national level into one which has trans-border complexities of new and unparalleled concern. Practice indeed shows that there are many instances in which the designations have been the object of misuse on the internet by private companies or operators for personal gain.
- To refer to the wording of the Applicant Guidebook, the designations are *particularly vulnerable to internet fraud and abuse*, as illustrated *inter alia* by the numerous instances of fraudulent use of the Red Cross and Red Crescent initials/names/logos witnessed in particular after humanitarian crises, such as the 2010 earthquake in Haiti or the 2011 tsunami and ensuing nuclear crisis which affected Japan. Virtually every newsworthy disaster, natural or man-made, is today followed by frauds perpetrated on the internet and which aim to abuse the Movement components’ names. Movement components endeavour to put a stop to such abuses.

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<sup>8</sup> United Nations General Assembly, resolution 49/2 of 1994.

**To summarize, the designations enjoy two distinct purposes, which both constitute the global public interest for their protection:**

- **to serve, along with the distinctive emblems of the Red Cross, Red Crescent and Red Crystal, as the symbols of protection of the medical services of armed forces on the battlefield and those duly authorised to assist them;**
- **to serve as the designations identifying the respective components of the International Red Cross and Red Crescent Movement.**

The above carries the following three conclusions:

- the protection and reservation of the designations does not result primarily from their affiliation to or association with the Movement and its respective components. The primary rationale for their reservation stems rather from their international protection as the designations of the protective emblems of the wounded and sick in armed conflict and those who care for them. Therein lies the global public interest the protection aims to uphold. This, it is submitted, distinguishes the Red Cross/Red Crescent claim from a strictly legal rights claim, which other international organizations may harbour;
- the protection awarded to the designations does not result from trademark law (either from common law rights or those conferred by registration);
- due to the global public interest highlighted above, the primary stakeholders remain the States, as High Contracting Parties to the 1949 Geneva Conventions, which therefore carry under international humanitarian law the primary obligation and the responsibility to enforce the protection of the said designations and names in their own domestic jurisdictions and legal orders - as shown by GAC's September 2011 letter and the annexed list of domestic laws in force in many jurisdictions worldwide.<sup>9</sup>

***The Board must immediately resolve to undertake all measures required in order to permanently protect the designations “red cross”, “red crescent”, “red crystal” and “red lion and sun” and for the names of the Red Cross and Red Crescent organizations***

We welcome the ICANN Board's Resolution of 20 June 2011, which provided, albeit limited and temporary, protection for the Movement's designations and names from registration as top level domain names<sup>10</sup> and its subsequent decision of 26 November 2012 confirming the temporary protection at top and second levels of the designations pending the outcome of the Policy Development Process on the “Protection for certain IGO-INGO names and acronyms in all gTLD's”.

We also acknowledge with appreciation the GAC's successive statements of support for the protection of the designations and names, and thus, beginning with the GAC's letter of 11 September 2011,<sup>11</sup> requesting permanent protection for the Movement's designations<sup>12</sup> in both top and second level domain names. The GAC's letter further recommended that the reservation of the designations extend to multiple languages and receive consideration during the String Similarity review procedures at first level. In so

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<sup>9</sup> For a comprehensive list of national legislation on the use and the protection of the Red Cross, Red Crescent and Red Crystal emblems and designations, see Annex 3.

<sup>10</sup> ICANN Board Resolution 2011.06.20.01, available at <http://www.icann.org/en/groups/board/documents/resolutions-20jun11-en.htm> (June 20, 2011).

<sup>11</sup> Letter from Heather Dryden available at

<https://gacweb.icann.org/download/attachments/1540128/GAC+advice+on+IOC+and+Red+Cross+Sep.+2011.pdf?version=1&modificationDate=1317031625914> (September 14, 2011).

<sup>12</sup> Together with those of the International Olympic Committee.



doing, the GAC acknowledged the important global public interests at stake. For the components of the Movement, that includes preventing misuse or misrepresentation of the Movement's designations and names that would be liable to create confusion within the internet community and to undermine both the protection of victims of armed conflict and the safe access of the Red Cross and Red Crescent in humanitarian crises.

The governments have a legal obligation under the international instruments described above both to implement and to enforce the protection of the designations in their domestic legal systems, including through the provision of appropriate criminal sanctions and penalties in the event of misuse. The GAC's position is an accurate representation of governmental obligations under the Geneva Conventions and corresponding domestic legislation.

As highlighted above, the 1949 Geneva Conventions and their Additional Protocols, and the national legislation in force around the world in implementation thereof, specifically reserve the use of the designations to the medical units, establishments and personnel of armed forces medical services and to the respective components of the Movement. The text of Article 53 of the First Geneva Convention is copied below:

*"The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation " Red Cross " or " Geneva Cross " or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times."*(emphasis added).<sup>13</sup>

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13 It is noted that the Preliminary GNSO Issue Report on the Protection of International Organization Names and New gTLD's, which was received at the time this position paper was being finalized, provides the example of a user of the red cross emblem and "Red Cross" words - namely the Johnson & Johnson corporation - having argued, before US courts and under US law, its legitimate rights to use the red cross and designation based on its long term use and trademark of the red cross words predating the adoption of their legal protection under domestic US law. In this respect, it is important to recall that

- any such legitimate or grandfathered uses of the designations are strictly limited to those that were lawful on the date the protection took effect in domestic law, whether through the entry into force of the first 1949 Geneva Convention for the given State or through the enactment of a national law. Grandfathered entities may not – under any circumstances – expand permissible uses into domain name registration services by becoming a new gTLD Registry;

- the First Geneva Convention of 1949 (GC I) and Protocol additional III of 2005 (AP III) establish separate sets of rules for the red cross on the one hand and for the three other distinctive emblems and designations (the red crescent and red crystal, together with the red lion and sun, which is also recognized as a distinctive emblem under GC I) on the other. With regard to the red cross, Article 53(1) of GC I prohibits misuse of the emblem in absolute terms, stressing that any use by individuals (other than those entitled thereto under the Convention) of the emblem or its designation, "whatever the object of such use, and irrespective of the date of its adoption", shall be prohibited at all times. The Commentary to GC I points out that "[t]rade-marks and commercial marks incorporating the red cross must disappear, even if they have been in use for a century or more. Commercial interests, however legitimate, must give way to the higher interests of humanity, whatever the cost may be." Nevertheless, the Convention authorized States – at least those that were not party to the Geneva Convention of 1929 – to grant prior users of the distinctive emblem a grace period of three years to discontinue its use. This saving clause, however, only covered emblems that were purely indicative in nature and not those that could appear to confer, in time of armed conflict, protection under international humanitarian law.

On the other hand, the fourth subparagraph of Article 53 of GC I and Article 6(2) of AP III provide a more flexible legal protection for the red crescent, red lion and sun and red crystal and their designations. The ban on use of the latter emblems and designations only applies to persons who claim the right to use them after the entry into force of the Convention and not to prior users, who are considered to be enjoying a vested right. The Commentary explains that this difference of treatment exists because it would have been impossible to eliminate throughout the entire world signs that are used as symbols of neutrality in only few countries. Lastly, it should be noted that the second paragraph of Article 6 refers only to protection of the vested rights of the prior users of the third Protocol emblem, without mentioning the users of its designation. The Commentary to Additional protocol III suggests however that; "[t]oo literal an interpretation of this paragraph, should [...] be avoided; there is no logical reason justifying the establishment of different legal regimes for the prior use of the emblem and that of its designation, which is equally protected".

Thus, the rationale for protection of the Movement's designations and any designations "*constituting an imitation thereof*" (or confusingly similar thereto), is **clear and unambiguous**.

Moreover, ICANN's own Articles of Incorporation provide that ICANN shall conduct "*its activities in conformity with relevant principles of international law and applicable international conventions and local law.*"<sup>14</sup> As such, it is important to recall that the Geneva Conventions and their Additional Protocols, together with relevant national implementing legislation (such as in the United States, 18 U.S.C. §706, Red Cross (Geneva Distinctive Emblems) and 18 U.S.C. §917, Red Cross members or agents) are applicable to ICANN, and that the aforementioned norms should be duly implemented by ICANN in order to comply with its own Articles of Incorporation.

Consequently, it is here submitted that it is crucial that ICANN comply with its responsibility to conform with international law and with relevant national laws and to undertake the necessary actions in order to protect the designations from unauthorized registration as top level or second level domain names. As outlined above, protection of the designations in the domain name system is clearly mandated by international treaty and the national legislation in force in multiple jurisdictions.

### ***Request for implementation actions by the Board***

As explained above, we maintain that the Board should without delay complement its approach toward protecting the designations and names, by making the existing reservations permanent at both top and second levels. The following measures should furthermore be adopted:

- The express confirmation that the current protection of reserved designations (as foreseen in Annex 5 to the revised Registry Agreement mentioned above) extends to the full names of the respective Red Cross and Red Crescent organizations (i.e. the 189 recognised National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies). This would conform to the requirements of international law and ensure that the reservation covers not only the designations per se (i.e. Red Cross or Red Crescent), but also the full names of the Red Cross and Red Crescent organizations, such as "American Red Cross", "Croix-Rouge française", or "Egyptian Red Crescent", in English and the official languages of their respective States of origin. The names of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies should be included in the six UN languages, as well as their usual initials (ICRC and IFRC).

Such protection could be implemented in one of two ways:

- an extension of the current list of reserved Red Cross and Red Crescent designations to include a full list of the names of the Red Cross and Red Crescent organizations; or
- the implementation of a string similarity review mechanism "by key word" to prevent the registration of strings including either of the "red cross" or "red crescent" designations.

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<sup>14</sup> ICANN's Articles of Incorporation available at <http://www.icann.org/en/about/governance/articles>

- The inclusion of the Red Cross and Red Crescent designations and names on a “Modified Reserved Names List”. This would importantly preserve the entitlement of Movement components to register relevant domain names should they require to do so. This would also conform with the above-mentioned international treaties and norms, which provide for use of the designations by the respective Red Cross and Red Crescent organizations to show their membership of the Movement.
- The establishment of a string similarity review to prevent the registration of strings confusingly similar to the Red Cross and Red Crescent designations and related names at the top and second levels. This would reflect the provisions of international humanitarian law expressly prohibiting unauthorised use, at all times, of imitations of the designations (Article 53 of the First Geneva Convention). Illustrations of such imitations include, for example, ‘Red Kross’ or ‘Redd Crescent’.

Implementing the above is consistent with ICANN’s Articles of Incorporation, aligns the domain name system with existing legal regimes stemming from international law and national laws, and furthers the important global public interest of preventing and alleviating human suffering in armed conflict and other situations of humanitarian crises – the key mission of the Movement.

In conclusion, the Movement thanks the Board in advance for its continued attention to and support on this important issue.

The respective components of the International Red Cross and Red Crescent Movement, in particular the ICRC and the International Federation, remain available to provide any assistance and support which ICANN or its Board requires.



## **Annexes:**

1. List of designations covered under Clause 5 of Schedule 5 of the new gTLD's Registry Agreement and essentially including the designations "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" in the six UN languages, as well as the name "Magen David Adom" in English and in Hebrew. Further to ICANN Legal Counsel's request, a revised and corrected list of the designations was subsequently provided in June 2013 (not enclosed);
2. Table of full names of the different components of the Movement;
3. Table of national legislation on the use and protection of the distinctive emblems and designations protected under the 1949 Geneva Conventions and their Additional Protocols;
4. Selected international humanitarian law and related international law norms regulating the use and protection of the distinctive emblems and designations "red cross", "red crescent", "red lion and sun" and "red crystal";
5. Public comment on the *Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs*, as prepared by the National Red Cross and Red Crescent Society legal advisers and similar officers, posted on 4 July 2013.

<i>GNSO</i>	<i>LACNIC</i>	<i>WHOIS</i>
<i>GTLD-SERVERS</i>	<i>LOCAL</i>	<i>WWW</i>
<i>IAB</i>	<i>LOCALHOST</i>	
<i>IANA</i>	<i>NIC</i>	
*Note that in addition to the above strings, ICANN will reserve translations of the terms "test" and "example" in multiple languages. The remainder of the strings are reserved only in the form included above.		

If an applicant enters a Reserved Name as its applied-for gTLD string, the application system will recognize the Reserved Name and will not allow the application to be submitted.

In addition, applied-for gTLD strings are reviewed during the String Similarity review to determine whether they are similar to a Reserved Name. An application for a gTLD string that is identified as too similar to a Reserved Name will not pass this review.

#### **2.2.1.2.2 Declared Variants**

Names appearing on the Declared Variants List (see section 1.3.3) will be posted on ICANN's website and will be treated essentially the same as Reserved Names, until such time as variant management solutions are developed and variant TLDs are delegated. That is, an application for a gTLD string that is identical or similar to a string on the Declared Variants List will not pass this review.

#### **2.2.1.2.3 Strings Ineligible for Delegation**

The following names are prohibited from delegation as gTLDs in the initial application round. Future application rounds may differ according to consideration of further policy advice.

These names are not being placed on the Top-Level Reserved Names List, and thus are not part of the string similarity review conducted for names on that list. Refer to subsection 2.2.1.1: where applied-for gTLD strings are reviewed for similarity to existing TLDs and reserved names, the strings listed in this section are not reserved names and accordingly are not incorporated into this review.

Applications for names appearing on the list included in this section will not be approved.

International Olympic Committee		
OLYMPIC	OLYMPIAD	OLYMPIQUE
OLYMPIADE	OLYMPISCH	OLÍMPICO
OLIMPIADA	أولمبياد	أولمبياد
奥林匹克	奥林匹亚	奥林匹克
奥林匹亞	Ολυμπιακοί	Ολυμπιάδα
올림픽	올림픽아드	Олимпийский
Олимпиада		
International Red Cross and Red Crescent Movement		
REDCROSS	REDCRESCENT	REDCRYSTAL
REDLIONANDSUN	MAGENDDAVIDADOM	REDSTAROFDAVID
CROIXROUGE	CROIX-ROUGE	CROISSANTROUGE
CROISSANT-ROUGE	CRISTALROUGE	CRISTAL-ROUGE
דגן תיך דירא	CRUZROJA	MEDIALUNAROJA
CRISTALROJO	Красный Крест	Красный Полумесяц
Красный Кристалл	رمح الابل صرنا	لاله رمح الابل
ءارمحل ءرولبلءا	لكر بئءة الصراء	紅十字
紅十字	紅新月	紅新月
紅水晶	紅水晶	

### 2.2.1.3 DNS Stability Review

This review determines whether an applied-for gTLD string might cause instability to the DNS. In all cases, this will involve a review for conformance with technical and other requirements for gTLD strings (labels). In some exceptional cases, an extended review may be necessary to investigate possible technical stability problems with the applied-for gTLD string.



## Annex 2

### Components of the International Red Cross and Red Crescent Movement (Draft of 9 July 2013)

#### *National Societies:*

<b>Country</b>	<b>National Society – Official Name in English</b>	<b>National Society – Commonly-used Name in English (if different)</b>
Afghanistan	Afghan Red Crescent Society	Afghan Red Crescent
Albania	Albanian Red Cross	
Algeria	Algerian Red Crescent	
Andorra	Andorran Red Cross	
Angola	Angola Red Cross	
Antigua and Barbuda	Antigua and Barbuda Red Cross Society	Antigua and Barbuda Red Cross
Argentina	Argentine Red Cross	
Armenia	Armenian Red Cross Society	Armenian Red Cross
Australia	Australian Red Cross	
Austria	Austrian Red Cross	
Azerbaijan	Red Crescent Society of Azerbaijan	Azerbaijan Red Cross
Bahamas	The Bahamas Red Cross Society	Bahamas Red Cross

Bahrain	Bahrain Red Crescent Society	Bahrain Red Crescent
Bangladesh	Bangladesh Red Crescent Society	Bangladesh Red Crescent
Barbados	The Barbados Red Cross Society	Barbados Red Cross
Belarus	Belarus Red Cross Society	Belarus Red Cross
Belgium	Belgian Red Cross	
Belize	Belize Red Cross Society	Belize Red Cross
Benin	Red Cross of Benin	Benin Red Cross
Bolivia	Bolivian Red Cross	
Bosnia and Herzegovina	The Red Cross Society of Bosnia and Herzegovina	Bosnia and Herzegovina Red Cross
Botswana	Botswana Red Cross Society	Botswana Red Cross
Brazil	Brazilian Red Cross	
Brunei Darussalam	Brunei Darussalam Red Crescent Society	Brunei Darussalam Red Crescent
Bulgaria	Bulgarian Red Cross	
Burkina Faso	Burkinabe Red Cross Society	Burkinabe Red Cross
Burundi	Burundi Red Cross	
Cambodia	Cambodian Red Cross Society	Cambodian Red Cross

Cameroon	Cameroon Red Cross Society	Cameroon Red Cross
Canada	The Canadian Red Cross Society	Canadian Red Cross
Cape Verde	Red Cross of Cape Verde	Cape Verde Red Cross
Central African Republic	Central African Red Cross Society	Central African Red Cross
Chad	Red Cross of Chad	Chad Red Cross
Chile	Chilean Red Cross	
China	Red Cross Society of China	China Red Cross
Colombia	Colombian Red Cross Society	Colombian Red Cross
Comoros	The Comoros Red Crescent	Comoros Red Crescent
Congo	Congolese Red Cross	
Congo (Democratic Republic of)	Red Cross of the Democratic Republic of the Congo	Democratic Republic of the Congo Red Cross
Cook Islands	Cook Islands Red Cross Society	Cook Islands Red Cross
Costa Rica	Costa Rican Red Cross	
Côte d'Ivoire	Red Cross Society of Côte d'Ivoire	Côte d'Ivoire Red Cross
Croatia	Croatian Red Cross	
Cuba	Cuban Red Cross	



Cyprus	Cyprus Red Cross Society	Cyprus Red Cross
Czech Republic	Czech Red Cross	
Denmark	Danish Red Cross	
Djibouti	Red Crescent Society of Djibouti	Djibouti Red Crescent
Dominica	Dominica Red Cross Society	Dominica Red Cross
Dominican Republic	Dominican Red Cross	
Ecuador	Ecuadorean Red Cross	
Egypt	Egyptian Red Crescent Society	Egyptian Red Crescent
El Salvador	Salvadorean Red Cross Society	Salvadorean Red Cross
Equatorial Guinea	Red Cross of Equatorial Guinea	Equatorial Guinea Red Cross
Estonia	Estonia Red Cross	
Ethiopia	Ethiopian Red Cross Society	Ethiopian Red Cross
Fiji	Fiji Red Cross Society	Fiji Red Cross
Finland	Finnish Red Cross	
France	French Red Cross	
Gabon	Gabonese Red Cross Society	Gabonese Red Cross

Gambia	The Gambia Red Cross Society	Gambia Red Cross
Georgia	Red Cross Society of Georgia	Georgia Red Cross
Germany	German Red Cross	
Ghana	Ghana Red Cross Society	Ghana Red Cross
Greece	Hellenic Red Cross	
Grenada	The Grenada Red Cross Society	Grenada Red Cross
Guatemala	Guatemalan Red Cross	
Guinea	Red Cross Society of Guinea	Guinea Red Cross
Guinea-Bissau	Red Cross Society of Guinea-Bissau	Guinea-Bissau Red Cross
Guyana	The Guyana Red Cross Society	Guyana Red Cross
Haiti	Haitian Red Cross Society	Haitian Red Cross
Honduras	Honduran Red Cross	
Hungary	Hungarian Red Cross	
Iceland	Icelandic Red Cross	
India	Indian Red Cross Society	Indian Red Cross
Indonesia	Indonesian Red Cross Society	Indonesian Red Cross

Iran	Red Crescent Society of the Islamic Republic of Iran	Iranian Red Crescent
Iraq	Iraqi Red Crescent Society	Iraqi Red Crescent
Ireland	Irish Red Cross Society	Irish Red Cross
Israel	Magen David Adom in Israel	
Italy	Italian Red Cross	
Jamaica	Jamaica Red Cross	
Japan	Japanese Red Cross Society	Japanese Red Cross
Jordan	Jordan National Red Crescent Society	Jordan Red Crescent
Kazakhstan	Kazakh Red Crescent Society	Kazakh Red Crescent
Kenya	Kenya Red Cross Society	Kenya Red Cross
Kiribati	Kiribati Red Cross Society	Kiribati Red Cross
Korea (Democratic People's Republic of)	Red Cross Society of the Democratic People's Republic of Korea	Democratic People's Republic of Korea Red Cross
Korea (Republic of)	The Republic of Korea National Red Cross	Korean Red Cross
Kuwait	Kuwait Red Crescent Society	Kuwait Red Crescent
Kyrgyzstan	Red Crescent Society of Kyrgyzstan	Kyrgyzstan Red Crescent
Lao People's Democratic	Lao Red Cross	

Republic		
Latvia	Latvian Red Cross	
Lebanon	Lebanese Red Cross	
Lesotho	Lesotho Red Cross Society	Lesotho Red Cross
Liberia	Liberian Red Cross Society	Liberian Red Cross
Libyan Arab Jamahiriya	Libyan Red Crescent	
Liechtenstein	Liechtenstein Red Cross	
Lithuania	Lithuanian Red Cross Society	Lithuanian Red Cross
Luxembourg	Luxembourg Red Cross	
Macedonia (Former Yugoslav Republic of)	The Red Cross of the former Yugoslav Republic of Macedonia	Macedonian Red Cross
Madagascar	Malagasy Red Cross Society	Malagasy Red Cross
Malawi	Malawi Red Cross Society	Malawi Red Cross
Malaysia	Malaysian Red Crescent Society	Malaysian Red Crescent
Maldives	Maldivian Red Crescent	
Mali	Mali Red Cross	
Malta	Malta Red Cross Society	Malta Red Cross



Mauritania	Mauritanian Red Crescent	
Mauritius	Mauritius Red Cross Society	Mauritius Red Cross
Mexico	Mexican Red Cross	
Micronesia	Micronesia Red Cross	
Republic of Moldova	Red Cross Society of the Republic of Moldova	Moldova Red Cross
Monaco	Red Cross of Monaco	Monaco Red Cross
Mongolia	Mongolian Red Cross Society	Mongolian Red Cross
Montenegro	Red Cross of Montenegro	Montenegro Red Cross
Morocco	Moroccan Red Crescent	
Mozambique	Mozambique Red Cross Society	Mozambique Red Cross
Myanmar	Myanmar Red Cross Society	Myanmar Red Cross
Namibia	Namibia Red Cross Society	Namibia Red Cross
Nepal	Nepal Red Cross Society	Nepal Red Cross
Netherlands	The Netherlands Red Cross	
New Zealand	New Zealand Red Cross	
Nicaragua	Nicaraguan Red Cross	

Niger	Red Cross Society of Niger	Niger Red Cross
Nigeria	Nigerian Red Cross Society	Nigerian Red Cross
Norway	Norwegian Red Cross	
Pakistan	Pakistan Red Crescent Society	Pakistan Red Crescent
Palau	Palau Red Cross Society	Palau Red Cross
Palestine	The Palestine Red Crescent Society	Palestine Red Crescent
Panama	Red Cross Society of Panama	Panama Red Cross
Papua New Guinea	Papua New Guinea Red Cross Society	Papua New Guinea Red Cross
Paraguay	Paraguayan Red Cross	
Peru	Peruvian Red Cross	
Philippines	Philippine Red Cross	
Poland	Polish Red Cross	
Portugal	Portuguese Red Cross	
Qatar	Qatar Red Crescent Society	Qatar Red Crescent
Romania	Romanian Red Cross	
Russian Federation	The Russian Red Cross Society	Russian Red Cross

Rwanda	Rwandan Red Cross	
Saint Kitts and Nevis	Saint Kitts and Nevis Red Cross Society	Saint Kitts and Nevis Red Cross
Saint Lucia	Red Cross Society of Saint Lucia	Saint Lucia Red Cross
Saint Vincent & the Grenadines	Saint Vincent and the Grenadines Red Cross	
Samoa	Samoa Red Cross Society	Samoa Red Cross
San Marino	Red Cross of the Republic of San Marino	San Marino Red Cross
Sao Tome and Principe	Sao Tomé and Príncipe Red Cross	
Saudi Arabia	Saudi Arabian Red Crescent Society	Saudi Red Crescent Authority
Senegal	Senegalese Red Cross Society	Senegalese Red Cross
Serbia	The Red Cross of Serbia	Serbia Red Cross
Seychelles	Seychelles Red Cross Society	Seychelles Red Cross
Sierra Leone	Sierra Leone Red Cross Society	Sierra Leone Red Cross
Singapore	Singapore Red Cross Society	Singapore Red Cross
Slovakia	Slovak Red Cross	
Slovenia	Slovenian Red Cross	
Solomon Islands	The Solomon Islands Red Cross	Solomon Islands Red Cross

Somalia	Somali Red Crescent Society	Somali Red Crescent
South Africa	The South African Red Cross Society	South African Red Cross
South Sudan	The South Sudan Red Cross Society	South Sudan Red Cross
Spain	Spanish Red Cross	
Sri Lanka	Sri Lanka Red Cross Society	Sri Lanka Red Cross
Sudan	The Sudanese Red Crescent	Sudanese Red Crescent
Suriname	Suriname Red Cross Society	Suriname Red Cross
Swaziland	Baphalali Swaziland Red Cross Society	Swaziland Red Cross
Sweden	Swedish Red Cross	
Switzerland	Swiss Red Cross	
Syrian Arab Republic	Syrian Arab Red Crescent	
Tajikistan	Red Crescent Society of Tajikistan	Tajikistan Red Crescent
United Republic of Tanzania	Tanzania Red Cross Society	Tanzania Red Cross
Thailand	The Thai Red Cross Society	Thai Red Cross
East Timor	Timor Leste Red Cross Society	Timor Leste Red Cross
Togo	Togolese Red Cross	

Tonga	Tonga Red Cross Society	Tonga Red Cross
Trinidad and Tobago	Trinidad and Tobago Red Cross Society	Trinidad and Tobago Red Cross
Tunisia	Tunisian Red Crescent	
Turkey	Turkish Red Crescent Society	Turkish Red Crescent
Turkmenistan	Red Crescent Society of Turkmenistan	Turkmenistan Red Crescent
Uganda	The Uganda Red Cross Society	Uganda Red Cross
Ukraine	Ukrainian Red Cross Society	Ukrainian Red Cross
United Arab Emirates	Red Crescent Society of the United Arab Emirates	United Arab Emirates Red Crescent
United Kingdom	British Red Cross	
United States of America	American National Red Cross	American Red Cross
Uruguay	Uruguayan Red Cross	
Uzbekistan	Red Crescent Society of Uzbekistan	Uzbekistan Red Crescent
Vanuatu	Vanuatu Red Cross Society	Vanuatu Red Cross
Venezuela	Venezuelan Red Cross	
Vietnam	Red Cross of Viet Nam	Vietnam Red Cross
Yemen	Yemen Red Crescent Society	Yemen Red Crescent



Zambia	Zambia Red Cross Society	Zambia Red Cross
Zimbabwe	Zimbabwe Red Cross Society	Zimbabwe Red Cross

***International Components:***

International Committee of the Red Cross (ICRC)

International Federation of Red Cross and Red Crescent Societies (IFRC)

**TABLE OF NATIONAL LEGISLATION ON THE USE AND PROTECTION OF THE  
DISTINCTIVE EMBLEMS OF THE RED CROSS, RED CRESCENT, RED CRYSTAL  
AND THEIR DESIGNATIONS**

<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Afghanistan</b>	
<b>Albania</b>	Loi No. 7864 protégeant l'emblème et le nom de la Croix-Rouge, 29 September.1994.
<b>Algeria</b>	Ordonnance No 71-28 portant sur le Code de Justice Militaire, 22 April 1971.
<b>Andorra</b>	
<b>Angola</b>	
<b>Antigua and Barbuda</b>	Antigua and Barbuda Red Cross Society Act, 22 July 1983.
<b>Argentina</b>	Code of Military Justice (as amended), 6 August 1951.
	Law No. 13.582 - Organization and operation of the Argentinean Red Cross Society, 1949.
	Law No. 22.418 - Civil defence for the city of Buenos Aires, 11 March 1981.
	Law No. 2976 on the use of the emblem, name and insignia of the Argentinean Red Cross, 18 September 1893.
<b>Armenia</b>	Criminal Code of the Republic of Armenia, 18 April 2003.
	Law of the Republic of Armenia on the use and protection of the emblems of the red cross and red crescent, 5 February 2002.
<b>Australia</b>	Geneva Conventions Act (as amended), 18 December 1957.
<b>Austria</b>	Defence Act.
	Defence Legislation (Miscellaneous Amendments) Act No. 18, 2009.
	Federal Law on the Recognition of the Austrian Red Cross and the Protection of the Red Cross Emblem (Red Cross Law - RKG), 6 December 2007.
	Red Cross Protection Law, 27 June 1962 .
<b>Azerbaijan</b>	Criminal Code, 8 December 1960.
	Decree of the President of the Republic of Azerbaijan on introduction of changes to certain decrees and orders of the President of the Republic of Azerbaijan, 28 September 2007.
	Law of the Republic of Azerbaijan governing the use and protection of the red cross and red crescent emblems, 20 June 2001.
	Law of the Republic of Azerbaijan "on the changes and additions to the criminal code of the Republic of Azerbaijan and the code of administrative offences of the Republic of Azerbaijan" in keeping with the law "on the use and protection of the red cross and red crescent emblems", 30 December 1999.
<b>Bahamas (the)</b>	The Bahamas Red Cross Society Act, 1975.
<b>Bahrain</b>	
<b>Bangladesh</b>	Geneva Conventions Implementing Act, 1936.
	The Bangladesh Red Crescent Society Order (Order No. 26 of 1973, as modified up to 28 February 1989), 1973.
<b>Barbados</b>	Geneva Conventions Act, 12 September 1980.
	Barbados Red Cross Society Act, 1969.

**TABLE OF NATIONAL LEGISLATION ON THE USE AND PROTECTION OF THE  
DISTINCTIVE EMBLEMS OF THE RED CROSS, RED CRESCENT, RED CRYSTAL  
AND THEIR DESIGNATIONS**

<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Belarus</b>	Criminal Code, 24 June 1999.
	Law governing the use and protection of the Red Cross and Red Crescent emblems, 2 May 2000.
<b>Belgium</b>	Law on the repression of serious violations of international humanitarian law (as amended), 16 June 1993.
	Law on the protection of designations, signs and emblems of the Red Cross, 4 July 1956.
	Criminal Code (as amended), 08 June 1867.
<b>Belize</b>	Belize Red Cross Society Act, 1983.
<b>Benin</b>	Law No 2004-06 on the use and protection of the red cross and red crescent emblems, 11 May 2004.
<b>Bolivia</b>	Law No 2390 on the use and protection of the Red Cross Emblem, 23 de mayo de 2002.
<b>Bosnia and Herzegovina</b>	Law on the Red Cross Society of Bosnia and Herzegovina, 21 October 2004.
	Law on the use and protection of the red cross emblem and the title of the Red Cross Society of Bosnia and Herzegovina, 29 April 2002.
<b>Botswana</b>	Geneva Conventions Act, 1970.
	Red Cross Society of Botswana Act, 1968.
<b>Brazil</b>	Law on the use of emblem of national organizations of health and others, 1961.
<b>Brunei Darussalam</b>	Brunei Red Crescent Society (Incorporation Act), 1983.
	Emergency (Persatuan Bulan Sabit Merah Negara Brunei Darussalam) (Incorporation) Order, 1990.
<b>Bulgaria</b>	Bulgarian Red Cross Law No 254, 14 September 1995.
<b>Burkina Faso</b>	Code of Military Justice, 24 May 1994.
	Law No 059-2003/AN on the use and protection of the red cross and red crescent emblems in Burkina Faso, 23 October 2003.
<b>Burundi</b>	Decree on the protection of the Red Cross and Geneva Cross, 30 April 1912.
<b>Cambodia</b>	Directive No. 144 of the Ministry of Health concerning the use of the emblem of the Red Cross, 1991.
	Royal Decree on the Recognition of the Cambodian Red Cross, 06 May 2002.
	Royal Decree on the Use and Protection of the Red cross or Red Crescent Emblem, 2002.
<b>Cameroon</b>	Decree No. 75/700 adopting the Regulations on discipline in the armed forces, 6 November 1975.
	Law No. 97-2 on the protection of the Red Cross emblem and name, 10 January 1997.
<b>Canada</b>	Geneva Conventions Amendment Act, 2008.
	Trade-Marks Act, 01 January 1952.
<b>Cape Verde</b>	
<b>Central African Republic</b>	Loi No. 09-006 "Portant Protection de l'Embleme et du nom Croix Rouge en République Centrafricaine", 06 mai 2009.
<b>Chad</b>	
<b>Chile</b>	Code of Military Justice, 1944.

**TABLE OF NATIONAL LEGISLATION ON THE USE AND PROTECTION OF THE  
DISTINCTIVE EMBLEMS OF THE RED CROSS, RED CRESCENT, RED CRYSTAL  
AND THEIR DESIGNATIONS**

<b>Country</b>	<b>Legislation / Law(s)</b>
	Law No. 20357 on Crimes Against Humanity, Genocide and War Crimes, 2009.
	Law No. 6371 on the protection of the red cross emblem (as modified by Law No. 19.511 of 1997), 1939 .
<b>China</b>	Law on the Red Cross Society (and Regulations), 31 October 1993.
<b>Colombia</b>	Decree No. 860 concerning the protection and use of the name and emblem of the Red Cross, the protection of its activities and the facilitation of humanitarian work, 8 May 1998 .
	Decree No. 138 on the Execution of the Law on the Use of the Emblem of the Red Cross and Red Crescent, 2005.
	Law No. 875 on the Protection of the Emblem, 2 January 2004.
	Military Penal Code, of 12 August 1999.
	Penal Code, 24 July 2000.
	Circular on the Use of the Emblem, 27 de abril de 1992.
<b>Comoros (the)</b>	Decree No. 94-095/PR on the recognition of the Red Cross emblem, of 27 September 1994.
<b>Congo (Democratic Republic of the)</b>	Red Cross Decree, 1912.
<b>Congo (Republic of the)</b>	Décret sur les mesures d'exécution prévues par la Convention de Genève - Emploi de l'emblème de la Croix-Rouge, 30 avril 1912.
<b>Cook Islands</b>	Cook Islands Red Cross Society Act, 2002.
	Geneva Conventions and Additional Protocols Act, 2002.
<b>Costa Rica</b>	Law No. 8031 on the use and the protection of the red cross and red crescent emblems, 2000.
<b>Côte d'Ivoire</b>	Penal Code (as amended), 31 juillet 1981 .
<b>Croatia</b>	Law on the Croatian Red Cross.
	Law on the Protection of the Red Cross Name and Emblem, 30 July 1993.
<b>Cuba</b>	Legal provisions protecting the name and emblem of the Red Cross, 1910.
<b>Cyprus</b>	Additional Protocol (Protocol III) to the Geneva Conventions (Ratification) Law, 2007.
	Additional Protocol (Protocol I) to the Geneva Conventions (Ratification) Law, 1979.
	Geneva Conventions Ratification Law, 1966.
<b>Czech Republic (the)</b>	Criminal Code (as amended), 29 November 1961.
	Law on the protection of the emblem and the name of the Red Cross and on the Czechoslovak Red Cross, 5 March 1992 .
<b>Denmark</b>	Criminal Code (as amended), 17 August 1978.
	Rescue Preparedness Act, 23 December 1992.
<b>Djibouti</b>	
<b>Dominica</b>	
<b>Dominican Republic (the)</b>	Law No. 220-07 on the Protection and Use of the Emblem and Name of the Red Cross and Red Crescent, 15 August 2007.

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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Ecuador</b>	Law No. 2007-84 on the Use and Protection of the Red Cross and Red Crescent Emblems, 2007.
	Penal Code for the National Civil Police, 1960.
	Regulation No. 362 on the Use of the Red Cross Emblem and the words "Red Cross" in Ecuador, 1972.
<b>Egypt</b>	Decree 09.04.1940 on the Protection of the Emblem of the Red Crescent, 1940.
	Law No. 12 on the Protection of the Emblem of the Red Crescent, of 25 March 1940.
<b>El Salvador</b>	Law on Protection of the Red Cross Emblem, 2000.
	Law on the Protection of the Emblem and the Name of the Red Cross and Red Crescent, Amendment, Decree No. 808, 13 February 2009.
<b>Equatorial Guinea</b>	
<b>Estonia</b>	Red Cross Designation and Emblem Act, 2006.
<b>Ethiopia</b>	Penal Code, 1957.
<b>Fiji</b>	Geneva Conventions Promulgation, 2007.
<b>Finland</b>	Act on the Finnish Red Cross.
	Act on the Use of Certain Internationally Protected Symbols, 21 December 1979.
	Penal Code (as amended), 21 April 1995.
<b>France</b>	Code of Military Justice (as amended), 21 July 1982.
	Law on the Approval of Articles 23, 27 and 28 of the Geneva Convention 1906 , and of Articles 5, 6 and 21 of the Hague Convention X 1907.
	Loi du 4 juillet 1939 modifiant la loi du 24 juillet 1913 pour la protection de l'emblème.
	Loi No. 2010-930 du 9 août 2010 portant adaptation du droit pénal à l'institution de la Cour Pénale Internationale.
	Penal Code (as amended), 1994.
<b>Gabon</b>	
<b>Gambia</b>	Gambia Red Cross Society Act, 1966.
<b>Georgia</b>	Georgian Criminal Code, 30 December 1960.
	Law of 2 October 1997 on the emblem and designation of the Red Cross and Red Crescent, 2 October 1997.
<b>Germany</b>	Civil Code.
	Code of Crimes against International Law.
	Law on Irregularities.
<b>Ghana</b>	Geneva Conventions Act (Act of Parliament No. 708), 06 January 2009.
<b>Greece</b>	Law 140/1914 on the protection of the emblem and the name of the Red Cross, 23 January 1914.
<b>Grenada</b>	Grenada Red Cross Society Law (as amended), 1981.
<b>Guatemala</b>	Decree on the protection and the use of the red cross emblem (Decree No. 102-97), 21 October 1997.



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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Guinea</b>	Law L/95/019/CTRN on the use and protection of the emblem and name of the Red Cross Society of Guinea, 9 May 1995. Penal Code, 1998.
<b>Guinea-Bissau</b>	
<b>Guyana</b>	Guyana Red Cross Society (Incorporation) Act, 1967.
<b>Haiti</b>	Haitian Red Cross Society (Presidential Decree), 6 October 1953 .
<b>Honduras</b>	Law on the Protection of the Red Cross and Red Crescent Emblem, 17 December 2004.
<b>Hungary</b>	Act of the Hungarian Red Cross, 1993. Civil Defence Act, 1996. Criminal Code, 1978.
<b>Iceland</b>	
<b>India</b>	Geneva Conventions Act, 1960.
<b>Indonesia</b>	Criminal Code, 26 February 1946.
<b>Iran</b>	
<b>Iraq</b>	
<b>Ireland</b>	Geneva Conventions Act (as amended), 1962. Red Cross Act (as amended), 1938.
<b>Israel</b>	Red Shield of David Law, 1950.
<b>Italy</b>	Law No. 740 on the use of the name and emblem of the Red Cross, 30 June 1912.
<b>Jamaica</b>	Jamaica Red Cross Society Act, 1964.
<b>Japan</b>	Law No. 159 concerning Restrictions on the Use of the Red Cross Emblem and its Name, 1977. Trade Marks Act No 127, 1959.
<b>Jordan</b>	Amended Law No. 3/2009 of the Jordan Red Crescent Society for the Year 2009, 4 January 2009.
<b>Kazakhstan</b>	Instruction No. 455 relative à l'utilisation de l'emblème du Croissant Rouge par le service médical des forces armées du Kazakhstan, 26 November 2002. Law of the Republic of Kazakhstan "On the emblem and distinctive sign of the sanitary services of the army of the Republic of Kazakhstan", 14 December 2001.
<b>Kenya</b>	Kenya Red Cross Society Act, 1965. The National Flag, Emblems and Names Act, 1963.
<b>Kiribati</b>	Geneva Conventions Act, 1993.
<b>Korea (Democratic People's Republic of)</b>	
<b>Korea (Republic of)</b>	Law of Incorporation of the Republic of Korea National Red Cross (as amended in 1987), 1949.
<b>Kuwait</b>	

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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Kyrgyzstan</b>	Law No. 82 on the Use and Protection of the Red Crescent and Red Cross Emblems, 29 September 2000.
	Order No. 448 on measures to protect the Red Cross and Red Crescent Emblems, of 31 October 2002.
	Resolution No. 361 on the realization of the suggestions relating to the implementation of the norms of International Humanitarian Law, 18 June 2003.
<b>Laos</b>	
<b>Latvia</b>	Criminal Law (as amended), 17 June 1998.
	Circulaire No 149-133 du Ministère des Affaires Sociales, 1996.
<b>Lebanon</b>	Decree No. 14657 on the Use of the Emblem of the Red Cross, Red Crescent and Red Lion and Sun, 1 April 1949.
<b>Lesotho</b>	Lesotho Red Cross Society, 1967.
<b>Liberia</b>	Act to Establish the Liberia National Red Cross Society.
<b>Libyan Arab Jamahiriya (the)</b>	Decree on the use of the emblem, 27 July 1981.
<b>Liechtenstein</b>	Gesetz vom 27 Mai 1957 betreffend den Schutz des Zeichens und des Namens des Roten Kreuzes, 27 May 1957.
<b>Lithuania</b>	Law on Lithuanian Red Cross, Red Cross and Red Crescent emblem and designation, 10 October 2000.
<b>Luxembourg</b>	Law on the protection of the Red Cross emblems, 18 December 1914.
<b>Macedonia (the former Yugoslav Republic of)</b>	Law of the Red Cross of the Republic of Macedonia, 1994.
<b>Madagascar</b>	Code de Justice du Service National.
<b>Malawi</b>	Malawi Red Cross Society Act, 1968.
<b>Malaysia</b>	Geneva Conventions Act, 1962.
	Malaysian Red Cross Society (Change of Name) Act, 1975.
	Malaysian Red Cross Society (Incorporation) Act, 1965.
	Trade Marks Regulations, 1997.
<b>Maldives</b>	
<b>Mali</b>	Code of Military Justice, 1995.
	Penal Code, 2001.
	Law on the Protection of Emblems, June 18 2009.
<b>Malta</b>	Malta Red Cross Society Act, 1992.
<b>Mauritania</b>	
<b>Mauritius</b>	Geneva Conventions Act, 24 December 1970.
	Mauritius Red Cross Society Act (Act No. 55), 1973.
<b>Mexico</b>	Code of Military Justice, 1933.
	Federal Penal Code, 1931.
	Law on the Protection of the Emblem and the Name of the Red Cross, 2007.
<b>Micronesia</b>	Congressional Resolution No. 11-76, 15 June 2000.
<b>Moldova</b>	Criminal Code of the Republic of Moldova.
	Law governing the Use and Protection of the Red Cross Emblem.
<b>Monaco</b>	Ordonnance souveraine No. 828 du 12 novembre 1953.

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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Mongolia</b>	
<b>Montenegro</b>	Law on the use and protection of the red Cross emblem, national Protection and Rescue Law, national Law on blood donation, 2006.
<b>Morocco</b>	Code de Justice Militaire, 1956. Dahir No. 1-58-256 du 15 rebia II 1378 (29 octobre 1958) relatif à l'emploi de l'emblème du Croissant Rouge.
<b>Mozambique</b>	
<b>Myanmar</b>	Geneva Convention Implementing Act (India Act XIV, 1936).
<b>Namibia</b>	Namibia Red Cross Act, 1991.
<b>Nepal</b>	
<b>Netherlands (the)</b>	International Crimes Act, 19 June 2003. Penal Code (as amended), 3 March 1881.
<b>New Zealand</b>	Geneva Conventions Act, 1958. Joint Council of the Order of St John and the New Zealand Red Cross Society Incorporation Act, 1938.
<b>Nicaragua</b>	Law No. 418 on the protection and use of the name and emblem of the Red Cross, 2002. Provisional Law on Military Offences - Decree No. 600.
<b>Niger (the)</b>	Code of Military Justice, 2003.
<b>Nigeria</b>	Geneva Conventions Act, 1960. Nigerian Red Cross Society Act, 1961.
<b>Norway</b>	General Penal Code, 1902.
<b>Pakistan</b>	Pakistan Red Crescent Society Act, 1920. Geneva Conventions Implementing Act (as amended), 1936 .
<b>Palau</b>	Congress Resolution No. 10, 1997.
<b>Palestine</b>	
<b>Panama</b>	Law No. 32 providing for the protection and use of the Red Cross and Red Crescent emblems, 4 July 2001. Law No. 4 on the ratification of AP III, 08 Mars 2012.
<b>Papua New Guinea</b>	PNG Red Cross Society Incorporation Act, 1976. Geneva Conventions Act, 1975.
<b>Paraguay</b>	Law No 993 Red Cross Emblem. Law on the Protection of the Name and the Emblem of the Red Cross, 1928.
<b>Peru</b>	
<b>Philippines (the)</b>	Act to incorporate the Philippine National Red Cross, 1979. Memorandum Order No. 393 on the adherence to the principles of humanitarian law and human rights on the conduct of security/police operations, 09 September 1991.
<b>Poland</b>	Law on the Polish Red Cross, 16 November 1964. Ordinance of the Council of Ministers on the Approval of the Statute of the Polish Red Cross, 2 April 1996 . Penal Code, 6 June 1997.
<b>Portugal</b>	
<b>Qatar</b>	Law on trade marks, data and commercial names, 2002.

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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Republic of Korea (the)</b>	Law of Incorporation of the Republic of Korea National Red Cross (as amended), 30 April 1949.
<b>Romania</b>	
<b>Russian Federation (the)</b>	Criminal Code (as amended), 1996. Law on trademarks, service marks and names of places of origin of goods, 23 September 1992.
<b>Rwanda</b>	Decree on the protection of the Red Cross or Geneva Cross, 30 April 1912.
<b>Saint Kitts and Nevis</b>	Saint Kitts and Nevis Red Cross Society Act, 1985.
<b>Samoa</b>	Samoa Red Cross Act, 1993.
<b>Saint Lucia</b>	Saint Lucia Red Cross Society Act, 1983.
<b>Saint Vincent and the Grenadines</b>	Saint Vincent and the Grenadines Red Cross Society Incorporation Act, 1984.
<b>Samoa</b>	(Western) Samoa Red Cross Act, 1993.
<b>San Marino</b>	
<b>Sao Tome and Principe</b>	
<b>Saudi Arabia</b>	
<b>Senegal</b>	Decree on Discipline in the Armed Forces, 1990. Law N°18/2005 relating to the use and to the protection of the Red Cross and Red Crescent emblem, 20 July 2005.
<b>Serbia</b>	Loi sur l'usage et la protection de l'emblème et du nom de la Croix-Rouge.
<b>Seychelles</b>	Geneva Conventions Act, 1985.
<b>Sierra Leone</b>	Sierra Leone Red Cross Society Act, 1962.
<b>Singapore</b>	Geneva Conventions Act, 1973. Geneva Conventions (Amendments) Act, 2007. Singapore Red Cross Society (Incorporation) Act, 1973.
<b>Slovakia</b>	Act No. 84 on the Slovak Red Cross and on the Protection of the Sign and the Name Red Cross, 1994.
<b>Slovenia</b>	Law on the Slovenian Red Cross, 26 January 1993 Penal Code, 1994.
<b>Solomon Islands</b>	Geneva Conventions Act, 1959.
<b>Somalia</b>	
<b>South Africa</b>	Merchandise Marks Act (Notice 873 of 1978), 1941 . South African Red Cross Society and Legal Protection of Certain Emblems Act, 2007.
<b>South Sudan</b>	South Sudan Red Cross Society Bill (Bill No. 32), 2012.
<b>Spain</b>	Penal Military Code (Law No. 13/1985), 9 December 1985. Penal Code (Law No. 10/1995), 23 November 1995.
<b>Sri Lanka</b>	Geneva Conventions Act, 2006. Geneva Conventions Act (Act No 4), 2006.
<b>Sudan</b>	
<b>Suriname</b>	
<b>Swaziland</b>	Baphalali Swaziland Red Cross Society Act, 1969.

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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>Sweden</b>	Emblems and Signs Act (as amended), 1953.
	Penal Code (as amended), 1962.
	Total Defence Ordinance relating to IHL, 1990.
<b>Switzerland</b>	Federal law regarding the protection of the emblem and the name of the Red Cross, 1954.
	Law relative to Civil Defence, 1994.
	Law on the Protection of UN Names and Emblems, 1961.
	Loi fédérale pour la protection des armoiries publiques et autres signes publics (as amended), 1931.
	Military Penal Code (as amended), 1927.
<b>Syrian Arab Republic (the)</b>	Law No 36/2005 on the protection of the Red Cross and Red Crescent emblem, 23 November 2005.
<b>Tajikistan</b>	Criminal Code, 1998.
	Law on the Use and Protection of the Red Cross and Red Crescent Names and Emblems, 12 May 2001.
	Resolution No. 28 on the implementation of the law on the use and protection of the red cross and red crescent emblems and denominations in the Republic of Tajikistan, 4 February 2002.
<b>Tanzania</b>	Tanganyika Red Cross Society Act, 1962.
<b>Thailand</b>	Red Cross Act (B.E. 2499), 1956.
<b>Timor-Leste</b>	
<b>Togo</b>	Law No. 99-010 on the protection and use of the red cross and red crescent emblems, 28 December 1999.
<b>Tonga</b>	An Act to incorporate the Tonga Red Cross Society, 1972.
<b>Trinidad and Tobago</b>	Geneva Conventions Act, 2008.
	Trinidad and Tobago Red Cross Society (Incorporation) Act, 1963.
<b>Tunisia</b>	Code of Military Penalties and Pleadings, 10 January 1957.
<b>Turkey</b>	
<b>Turkmenistan</b>	Law of Turkmenistan on the Use and Protection of the Red Crescent and Red Cross Symbols, 07 July 2011.
<b>Tuvalu</b>	UK Geneva Conventions Act 1957 by virtue of UK Geneva Conventions Act (Colonial Territories) Order in Council, 1959.
<b>Uganda</b>	Red Cross Act, 1964.
	The Penal Code Act (exclusive use of the red cross emblem) instrument, 1989.
	Penal Code Order (Exclusive Use of the Red Cross and Red Crescent Emblems), 1993.
<b>Ukraine</b>	Cabinet of Ministers resolution approving a procedure to produce, issue and register identity cards for medical personnel using the Red Cross Emblem, 21 July 2000.
	Criminal Code, 2001.
	Law on the red cross and red crescent symbols, 8 July 1999.
<b>United Arab Emirates</b>	

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<b>Country</b>	<b>Legislation / Law(s)</b>
<b>United Kingdom of Great Britain and Northern Ireland (the)</b>	Geneva Conventions Act (as amended), 1957 .
	Geneva Conventions Act (Colonial Territories) Order in Council, 1959.
	Geneva Conventions and United Nations Personnel (Protocols) Act, 2009.
	Geneva Conventions (Amendment) Act (Overseas Territories) Order, 2002.
	Royal Charter of the British Red Cross Society, 1997.
<b>United States of America (the)</b>	Emblems, Insignia, and Names, U.S. Code, Title 18, Chapter 33, 1948
	Criminal Statute on the Protection of the Emblem (as amended), 1905.
	The Geneva Distinctive Emblems Protection Act, 12 January 2007.
<b>Uruguay</b>	Decree Nr 679/992 on Norms for the Use of the Emblems of the Red Cross and the Red Crescent, and of the names "RED CROSS", "CROSS OF GENEVA" and "RED CRESCENT", 24 November 1992.
	Law Nr 16.687 on the Red Cross, 16 July 1918.
<b>Uzbekistan</b>	Law Nr 615-II on the use and protection of the Red Crescent and the Red Cross Emblem, 29 April 2004.
<b>Vanuatu</b>	
<b>Venezuela</b>	Code of Military Justice (as amended), 1998.
	Law on the protection of the name and emblem of the Red Cross, 1965.
<b>Viet Nam</b>	Arrêté du Ministère de l'Intérieur, 31 may 1947.
<b>Yemen</b>	Law No. 21/1998 relative to military offences and penalties, 25 July 1998.
	Law No. 43/1999 relative to the organization and use of the red crescent and red cross emblems and the prohibition of their misuse, 20 September 1999.
	Presidential Decree No. 408/1999 on the creation of a National Committee for International Humanitarian Law Matters, 1999.
<b>Zambia</b>	Zambia Red Cross Society Act, 1966.
<b>Zimbabwe</b>	Geneva Conventions Act (as amended by the Geneva Conventions Amendment Act, 1996), 1981.
	Zimbabwe Red Cross Society Act, 1981.
<b>Zimbabwe</b>	Geneva Conventions Act (as amended by the Geneva Conventions Amendment Act, 1996), 1981.
	Zimbabwe Red Cross Society Act, 1981.



SELECTED INTERNATIONAL HUMANITARIAN LAW  
AND RELATED INTERNATIONAL NORMS RELATING  
TO THE USE AND PROTECTION OF THE DESIGNATIONS  
"RED CROSS", "RED CRESCENT",  
"RED LION AND SUN" AND "RED CRYSTAL"

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**Convention (I) for the Amelioration of the Condition of the Wounded and Sick  
in Armed Forces in the Field, Geneva, 12 August 1949**

[...]

**Chapter VII. The Distinctive Emblem**

**Art. 38.** *As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.*

*Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.*

[...]

**Art. 44.** *With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the red cross on a white ground and the words "Red Cross" or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.*

*Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the*

*International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.*

*The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the red cross on a white ground.*

*As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.*

[...]

### **Chapter IX. Repression of Abuses and Infractions**

[...]

**Art. 53.** *The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation " Red Cross " or " Geneva Cross " or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.*

*By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trademarks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.*

*Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of 27 July 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.*

*The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.*

**Art. 54.** *The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.*

[...]

**Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the  
Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005**

[...]

**Article 1 - Respect for and scope of application of this Protocol**

1. *The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.*
2. *This Protocol reaffirms and supplements the provisions of the four Geneva Conventions of 12 August 1949 ("the Geneva Conventions") and, where applicable, of their two Additional Protocols of 8 June 1977 ("the 1977 Additional Protocols") relating to the distinctive emblems, namely the red cross, the red crescent and the red lion and sun, and shall apply in the same situations as those referred to in these provisions.*

**Article 2 - Distinctive emblems**

1. *This Protocol recognizes an additional distinctive emblem in addition to, and for the same purposes as, the distinctive emblems of the Geneva Conventions. The distinctive emblems shall enjoy equal status.*
2. *This additional distinctive emblem, composed of a red frame in the shape of a square on edge on a white ground, shall conform to the illustration in the Annex to this Protocol. This distinctive emblem is referred to in this Protocol as the "third Protocol emblem".*
3. *The conditions for use of and respect for the third Protocol emblem are identical to those for the distinctive emblems established by the Geneva Conventions and, where applicable, the 1977 Additional Protocols.*
4. *The medical services and religious personnel of armed forces of High Contracting Parties may, without prejudice to their current emblems, make temporary use of any distinctive emblem referred to in paragraph 1 of this Article where this may enhance protection.*

**Article 3 - Indicative use of the third Protocol emblem**

1. *National Societies of those High Contracting Parties which decide to use the third Protocol emblem may, in using the emblem in conformity with relevant national legislation, choose to incorporate within it, for indicative purposes:*

- a) *a distinctive emblem recognized by the Geneva Conventions or a combination of these emblems; or*
- b) *another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross through the depositary prior to the adoption of this Protocol.*

*Incorporation shall conform to the illustration in the Annex to this Protocol.*

2. *A National Society which chooses to incorporate within the third Protocol emblem another emblem in accordance with paragraph 1 above, may, in conformity with national legislation, use the designation of that emblem and display it within its national territory.*

3. *National Societies may, in accordance with national legislation and in exceptional circumstances and to facilitate their work, make temporary use of the distinctive emblem referred to in Article 2 of this Protocol.*

4. *This Article does not affect the legal status of the distinctive emblems recognized in the Geneva Conventions and in this Protocol, nor does it affect the legal status of any particular emblem when incorporated for indicative purposes in accordance with paragraph 1 of this Article.*

[...]

### **Article 6 - Prevention and repression of misuse**

1. *The provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem. In particular, the High Contracting Parties shall take measures necessary for the prevention and repression, at all times, of any misuse of the distinctive emblems mentioned in Articles 1 and 2 and their designations, including the perfidious use and the use of any sign or designation constituting an imitation thereof.*

2. *Notwithstanding paragraph 1 above, High Contracting Parties may permit prior users of the third Protocol emblem, or of any sign constituting an imitation thereof, to continue such use, provided that the said use shall not be such as would appear, in time of armed conflict, to confer the protection of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, and provided that the rights to such use were acquired before the adoption of this Protocol.*

[...]

## **29th International Conference of the Red Cross and Red Crescent Resolution 1**

**Adopted 22 June 2006**

*The 29th International Conference of the Red Cross and Red Crescent,*

*noting the report of the Standing Commission of the Red Cross and Red Crescent on the follow up to resolution 3 of the 28th International Conference,*

*taking account of the Third Protocol Additional to the Geneva Conventions adopted on 8 December 2005 in Geneva, and of the Final Act of the Diplomatic Conference on the emblem,*

*acknowledging that the Memorandum of Understanding signed on 28 November 2005 and referred to in paragraph 15 of the Final Act of the Diplomatic Conference was concluded in an effort to facilitate the adoption of the Third Protocol and to pave the way for the membership of both signatory societies in the International Red Cross and Red Crescent Movement,*

*considering the unique and special situation of the Palestine Red Crescent Society,*

*emphasizing that the recognition and admission of the Palestinian Red Crescent Society do not under any circumstances create a precedent for any other entity or territory,*

*guided by the Fundamental Principles of the Red Cross and Red Crescent, in particular the Principle of Universality,*

- 1. adopts the draft amendments to the Statutes of the International Red Cross and Red Crescent Movement annexed hereto;*
- 2. decides that the Third Protocol emblem will henceforth be designated as the «red crystal»,*
- 3. requests the International Committee of the Red Cross to recognize the Palestine Red Crescent Society, and requests the International Federation of Red Cross and Red Crescent Societies to admit this Society as a member.*

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**Public comment on the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs, by National Red Cross and Red Crescent Society legal advisers and similar officers**

- *To:* <comments-igo-ingo-initial-14jun13@xxxxxxxx>
- *Subject:* Public comment on the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs, by National Red Cross and Red Crescent Society legal advisers and similar officers
- *From:* "Michael Meyer" <MMeyer@xxxxxxxxxxxxxxxx>
- *Date:* Thu, 04 Jul 2013 16:55:00 +0100

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Public comment on the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs, by National Red Cross and Red Crescent Society legal advisers and similar officers

On behalf of the National Red Cross and National Red Crescent Societies listed below, we are writing in relation to the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs, prepared by ICANN staff and the PDP Working Group and posted for public comment on 14 June 2013. The National Societies concerned wish to offer the following comments on the report and its recommendations.

(1) Having been actively engaged in this long-standing issue, National Red Cross and National Red Crescent Societies reiterate our firm support for permanent protection of the Red Cross, Red Crescent and Red Crystal designations and related names from registration as top and second level domain names. In this regard we support the submissions of the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC), the two international components of the International Red Cross and Red Crescent Movement (the Movement).

(2) We express our appreciation for the progress already achieved, in particular the confirmation by ICANN's Board of a temporary reservation of the Red Cross and Red Crescent designations at the top and second levels, as set out in the Applicant Guidebook and in Annex 5 to the revised Registry Agreement. This welcome step indicates that the protection of the designations, which is based upon universally accepted norms of international humanitarian law and which is supported by the Government Advisory Committee (GAC) to ICANN, is being given due consideration.

(3) The protection of these designations stems from the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005, as well as from the legislation in force in over 130 countries[1] (



about:blank#\_ftnl ) (a small selection of the latter was identified in the research undertaken by ICANN's General Counsel, as set out in Annex 4 to the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs). Like the distinctive emblems of the red cross and red crescent to which they relate, their primary use is by the Medical Service of countries' armed forces in times of armed conflict. They also form part of the names of Red Cross and Red Crescent organisations, in order to show their membership of the Movement. On this basis, the distinctive emblems and their designations play an essential function in wartime and in other humanitarian emergencies, and are protected by international and national laws at all times. Their misuse or unauthorised use risks undermining their special meaning and purpose.

(4) National Red Cross and Red Crescent Societies take note of the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process, and of the various policy recommendations set out in sections 4.3 to 4.7 of the report. Although we do not object to the approach of the GAC, which groups the Red Cross/Red Crescent and IOC cases together, we find helpful the view taken by the PDP Working Group that protections of IGO, INGO, IOC and Red Cross/Red Crescent identifiers may be considered separately from one another. We would encourage ICANN and its decision-making authorities to confirm the reservation of the Red Cross and Red Crescent designations from top and second level registration in the current round and in all future rounds of application.

(5) Additionally, we would strongly urge ICANN to further protect the Red Cross and Red Crescent designations as follows:

The express extension of the current protection of reserved Red Cross and Red Crescent designations (as foreseen in Annex 5 to the revised Registry Agreement mentioned above) to the full names of the respective Red Cross and Red Crescent organisations (i.e. the 189 recognised National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies). This would conform to the requirements of international law and ensure that the reservation covers not only the designations per se (i.e. Red Cross or Red Crescent), but also the full names of the Red Cross and Red Crescent organisations, such as "American Red Cross", "Croix-Rouge française", or "Egyptian Red Crescent", in the official languages of their respective States of origin. The names of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies should be included in the six United Nations languages, as well as their usual initials (ICRC and IFRC).

Such protection could be implemented in one of two ways:

- an extension of the current list of reserved Red Cross and Red Crescent designations to include a full list of the names of the Red Cross and Red Crescent organisations; or
- the implementation of a string similarity review mechanism "by key word" to prevent the registration of strings including either of the "red cross" or "red crescent" designations.

The inclusion of the Red Cross and Red Crescent designations and names on a "Modified Reserved Names List". This would importantly preserve the entitlement of Movement components to register relevant domain names should they require to do so. This would also conform with the above-mentioned international treaties and norms, which provide for use

of the designations by the respective Red Cross and Red Crescent organisations to show their membership of the Movement.

The establishment of a string similarity review to prevent the registration of strings confusingly similar to the Red Cross and Red Crescent designations and related names at the top and second levels. This would reflect the provisions of international humanitarian law expressly prohibiting unauthorised use, at all times, of imitations of the designations (Article 53 of the First Geneva Convention). Illustrations of such imitations include, for example, 'Red Kross' or 'Redd Crescent'.

We would like once again to express our appreciation to ICANN and its respective bodies and constituencies for their continued consideration of this important matter. The protection of the Red Cross and Red Crescent designations from any form of misuse, while the primary responsibility of States, is a core function of National Red Cross and Red Crescent Societies. Together with the distinctive emblems, these designations facilitate the protection and safe access of armed forces' medical services and of others caring for the wounded and sick in times of armed conflict. They also serve to identify Red Cross and Red Crescent organisations, who are mandated to provide neutral and impartial humanitarian assistance in all situations of crisis.

Thank you in advance for considering the above.

On behalf of legal advisers and similar officers from the following National Red Cross and Red Crescent Societies:

Afghan Red Crescent Society  
American Red Cross  
Australian Red Cross  
Bangladesh Red Crescent Society  
Belarus Red Cross Society  
Belgian Red Cross  
British Red Cross  
Bulgarian Red Cross  
Burundi Red Cross  
Canadian Red Cross  
Red Cross Society of China  
Cook Islands Red Cross Society  
Red Cross Society of Côte D'Ivoire  
Colombian Red Cross  
Danish Red Cross  
Red Cross of the Democratic Republic of the Congo  
Ecuadorian Red Cross  
Egyptian Red Crescent  
Ethiopian Red Cross Society  
Finnish Red Cross  
French Red Cross  
Georgia Red Cross Society  
German Red Cross  
Ghana Red Cross Society  
Red Cross Society of Guinea-Bissau  
Iranian Red Crescent Society  
Iraqi Red Crescent Society  
Irish Red Cross  
Magen David Adom in Israel  
Jamaica Red Cross

Japanese Red Cross Society  
Korean Red Cross (Republic of)  
Lebanese Red Cross  
Lithuanian Red Cross Society  
Malawi Red Cross Society  
Malaysian Red  
Crescent  
Maldivian Red Crescent  
Mozambique Red Cross Society  
Namibia Red Cross Society  
Nepal Red Cross Society  
New Zealand Red Cross  
Red Cross Society of Niger  
Nigerian Red Cross Society  
Norwegian Red Cross  
Philippine Red Cross  
Polish Red Cross  
Qatar Red Crescent Society  
Saudi Red Crescent Authority  
Sierra Leone Red Cross Society  
Sri Lanka Red Cross Society  
Swedish Red Cross  
Swiss Red Cross  
Red Crescent Society of Tajikistan  
Tanzania Red Cross Society  
Trinidad and Tobago Red Cross Society  
Red Crescent Society of the United Arab Emirates

[1] ( about:blank#\_ftnref1 )Source: ICRC database on national implementation (accessible at <http://www.icrc.org/ihl-nat>).

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