
Agenda Item 6: (a) IGO protections

Agenda Item 6(b) Red Cross Red Crescent Protections

Issue

1. Implementation of consensus policy on IGO protections.
2. Likely outcomes of Policy Development Process (PDP) on IGO-INGO Access to Curative Rights Protection Mechanisms.
3. Facilitated discussions of unresolved issues.
4. Developments regarding Red Cross Red Crescent Protections.

GAC Action Required

Consensus policy: To note progress on implementation.

PDP on Curative Rights Protections: To note that the PDP will be meeting at ICANN 61; and that it is unclear when its final report and recommendations will be finalised.

Facilitated discussions: To note that there have been no developments on this since ICANN 58; and to ask the ICANN Board for an update on next steps.

RCRC: To note progress.

Current Position

Consensus Policy

On 16 January, ICANN [announced](#) the [Protection of IGO and INGO Identifiers in All gTLDs Policy](#) which will become binding on Registry Operators by 1 August 2018.

Per an ICANN Board [resolution](#) of 30 April 2014, this Policy provides for the protection of the full names of IGOs, per relevant GAC Advice and as listed on the [23 March 2013 GAC List](#) of IGOs which was sent to the ICANN Board along with a [letter](#) and a set of [criteria](#) for inclusion of IGOs in the list.

The Policy Implementation Review Team has included provisions to address some implementation challenges, including:

- [Potential Incompleteness of IGO list](#): The policy provides for the possibility to update the list of IGOs, subject to consultation between ICANN, the GAC and the GNSO
- [Selection of 2 languages for protection each IGO's Full Name](#): The policy currently implements protection of an IGO's name in the language in which it was listed in the 2013 GAC List, and allows for future update of the list (as described above)

GAC Support staff is currently working with ICANN Government Engagement, OECD and WIPO to determine next steps in order to ensure that:

- All eligible IGO are considered in the implementation of the Policy
- IGOs are made aware of the opportunity to choose 2 languages for protection of their full name.

IGO-INGO Access to Curative Rights Protection Mechanisms

The GAC: Advised the Board in the Abu Dhabi Communique as follows:

Intergovernmental Organization (IGO) Protections

The GAC recalls its longstanding advice on the topic of IGO protections and is closely monitoring the ongoing PDP on IGO-INGO Access to Curative Rights Protection Mechanisms. The GAC remains open to working with the GNSO to try to find a mutually agreeable resolution to this issue. The GAC also recalls the values of openness, transparency and inclusion, and representativeness and process integrity, that are respectively enshrined in ICANN's Bylaws and GNSO Operating Procedures.

The GAC advises the ICANN Board to: review closely the decisions on this issue in order to ensure that they are compatible with these values and reflect the full factual record.

RATIONALE: Although the ICANN Community is still awaiting the final report for the PDP on IGOINGO Access to Curative Rights Protection Mechanisms, preliminary communications indicate that the Working Group's proposal will conflict with GAC advice on the issue and GAC input to the PDP as well as the comments of over 20 IGOs who submitted comments to the Working Group's draft report. The Board plays an important role in ensuring the proper application of the ICANN Bylaws and GNSO Operating Procedures, and the GAC expects that a basic safeguard would be a close Board review of GNSO policy recommendations, especially where such recommendations directly contradict GAC advice.

The Board: [Responded](#) to the GAC advice as follows:

The Board accepts the GAC advice to review closely the policy recommendations, including those that may differ from GAC advice and the associated public comments before taking action. The Board acknowledges the GAC's longstanding advice on the need to protect IGO acronyms in the domain name system, and appreciates the GAC's interest in the outcome of the GNSO PDP on IGO-INGO Access to Curative Rights Mechanisms

While the direct management of a GNSO PDP is a role for the GNSO Council, the Board does maintain strong interest in the progress of this PDP. The Board looks forward to receiving the final policy recommendations from the GNSO as well as any further GAC advice on this topic. The Board remains committed to facilitating discussions between all affected parties that may resolve any conflicts that may arise, and acknowledges its role under the ICANN Bylaws to act in the best interests of ICANN and the community, in furtherance of ICANN's Mission, consistent with the organization's Commitments and Core Values, and in accordance with the specific requirements of the Bylaws for receiving, considering, and acting on GNSO policy recommendations and GAC Advice.

The PDP Working Group: Now seems unlikely to issue a Final Report before the San Juan meeting due to internal disagreements. However, it will hold a public session during the meeting. It is unclear at this stage when the Final Report will be posted for Public Comment.

Red Cross Red Crescent

The GAC informed the Board in the Abu Dhabi Communique as follows:

Follow-Up on Previous Advice

Red Cross Red Crescent Protections

Following its most recent advice adopted in the Copenhagen and Johannesburg Communiqués, the GAC welcomed the progress made by the GNSO's re-convened PDP Working Group on the

Protection of IGO-INGO Identifiers in All gTLDs, tasked with re-examining the GNSO's past recommendations on the protection of Red Cross and Red Crescent designations, names and identifiers – particularly of the names of national Red Cross and Red Crescent societies. The GAC noted that the acronyms of the International Committee of the Red Cross (ICRC, CICR, MKKK) and of the International Federation of Red Cross and Red Crescent Societies (IFRC, FICR) are defined to fall outside of the remit of the reconvened GNSO Working Group and recalled its advice (Durban Communiqué, 2013) that these acronyms be made to benefit from the same cost neutral mechanisms to be worked out for the protection of acronyms of IGOs.

[Board response](#)

The Board notes that the GAC reiterated its advice from the Durban Communiqué regarding this topic. The Board acknowledges the ongoing work in the community related to this topic, including the reconciliation between GNSO recommendations and GAC advice.

Further Information

[PDP Protection of IGO and INGO Identifiers in All gTLDs](#)

[PDP on IGO-INGO Access to Curative Rights Protection Mechanisms](#)

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