Preliminary Issue Report on Protection of Int’l Organization Names in new gTLDs

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Red Cross/IOC Names Update Since Costa Rica Meeting

• On 26 March, GNSO Council approved the IOC/RC DT's recommendations to protect the Red Cross/IOC names

• On 10 April, ICANN Board’s New GTLD Committee declined to adopt the GNSO recommendations at this time
  – The Board stated that although the substantive “recommendations of the GNSO are well taken,” it had concerns about timing.
Red Cross/IOC Names Update Since Costa Rica Meeting

- In 11 March letter, ICANN Board requested the GAC/GNSO to provide policy advice on whether to protect IGO names at the top and second levels of new gTLDs
  - The GNSO has deferred any action on the Board request until the GAC first provides its policy advice to the Board
- GNSO Council requested an Issue Report on special protections for international organization names and acronyms at the top and second level for all new gTLDs
  - Includes the Red Cross, IOC and IGOs
Red Cross/IOC Names - Current Status

- The temporary moratorium for Red Cross and IOC names at the top level for new gTLDs will expire after the initial round
- There are currently no special protections provided for the Red Cross/IOC names at the second level
- Preliminary Issue Report published and public comment forum opened on 4 June
- GNSO Council sent a letter to the GAC on 7 June informing that DT is continuing its work in evaluating the GAC proposal and possible recommendations
Preliminary Issue Report

• **Objective**
  
  – Define the type of organizations that should be evaluated in any related PDP for any such protection at the top and second level
  
  – Describe how the PDP could be structured to analyze whether ICANN should adopt policies to protect such organizations at the top and second level

• **Scope:** Includes an evaluation of whether to protect the names of both international government and NGOs at the top and second levels of new gTLDs
Preliminary Issue Report

• Currently available protections at the top level
  – Review and objection process currently underway for applied-for strings
  – Legal rights objection may be applicable to IGOs
  – Independent Objector
  – PDDRP for holders of a word mark specifically protected by statute or treaty

• Currently available protections at the second level
  – Trademark Clearinghouse, Trademark Claims process and sunrise protections
  – PDDRP
  – Uniform Rapid Suspension System

• Staff recently submitted Board-directed briefing paper on issues related to concerns over need for 2nd level defensive registrations in view of current protections
Preliminary Issue Report - Suggested Issues to Explore in PDP

- Definition of international organizations
- Quantifying the entities to be considered for special protection
- Scope of protections under international treaties/laws for Red Cross and IOC names
- Distinguishing between Red Cross/IOC from other international organizations
- Establishing an objective set of criteria to determine which international organizations would qualify for any special protections
Preliminary Issue Report: Staff Recommendations

- GNSO Council should consider whether or not to initiate a PDP as an approach to develop any additional policy advice in response to Board requests on additional protections.

- If PDP initiated:
  - Suggest that scope be limited to: 1) IGOs and 2) international organizations that are not-for-profit and are protected by treaties and national laws in multiple jurisdiction.
  - Consider *minimum required timeline* and *work load issues* to complete a PDP, and that *additional resources* may be necessary to develop recommendations relevant to types of protection at top and/or 2nd level in a timely fashion.
Next Steps

• Drafting team working session scheduled on 27 June

• Public Comment reply period closes 16 July

• The ICANN community is encouraged to participate, and to comment on whether a PDP should be focused on additional protections for:
  
  – (i) only international organizations that are not-for-profit AND are afforded unique protections under international treaties or national laws in multiple jurisdictions, and/or (ii) all international governmental organizations

• Once public comment period closes
  
  – Staff will review and publish public comment summary report
  – Staff to publish and submit Final Issue Report to Council
  – Council will consider whether to initiate a PDP
Further Information

Preliminary Issue Report -

Preliminary Issue Report Public Comment Forum -

Defensive Registrations Briefing Paper
http://gnso.icann.org/mailing-lists/archives/council/docCkHGfCJ5QB.doc
Questions
Thank You