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HYDERABAD – GAC discussion on IGO Protections and RC/RC

Friday, November 04, 2016 – 12:00 to 12:30 IST

ICANN57 | Hyderabad, India

CHAIR SCHNEIDER:           And I'm going to shift into English because all the documents are in English but I like to speak French once in a while.

... and also we tried to cover where we are with the Red Cross and Red Crescent movement and that protection as well. So we have rough half an hour to see where we are with this. And some of you who -- those of you who have been here for quite some time know that this is an issue that goes back to many, many, many, many, many, many meetings of ICANN and of maybe even some more than the ones that I listed of ICANN and of the GAC and it's a long and too many -- also a little bit of a painful process in the sense that many things or too many things are still not clear. And so to give you a little bit of history for those who haven't been here, there has been -- as part of the new gTLD program setting, if I may say so, of course, the question about protection of IGO names and acronyms had to be -- was looked into and there was a working group by the GNSO who was looking -- was making recommendations on protection of IGOs among other -- other things. And a coalition of IGOs participated in that working group. We have one person

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here, Brian Beckham from WIPO who has been following this for quite a long time so he really knows all the details of that work. And in the end, these recommendations were -- of the GNSO of that working group were passed on and then presented to the board. The GAC felt that the protection given to IGOs from abuse through the use of the names and acronyms was not sufficient and issued advice. Several pieces of advice, more or less in every GAC meeting and every communique you'll find a reference to this issue, and then the board accepted -- that was in 2000 -- and the GAC as well showed its willingness to work with whoever is needed or useful to come to a solution on this issue that would be acceptable to all.

The board in 2014 agreed to those -- or adopted those elements of the GNSO recommendations that were not in conflict or not inconsistent with GAC advice and urged the GNSO to rethink or review within its existing procedures the other -- the other recommendations and it invited the GAC to participate, to create a small group together with the board with members from ICANN staff and other people, a small group that would informally look at this and try to -- because this is legally very complicated with -- I will not go into details about the Paris convention and the discussion in other fora about how to implement this. There are different systems and different jurisdictions about how in practice IGOs, the names and

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acronyms are protected. And then this so-called small group started to look into identifying elements of common ground that could be a basis for finding a solution in an informal way. The GAC and the IGOs have participated in good faith in this -- in this work, and it took longer than expected in particular because, of course, the IANA transition took away quite a lot of resources from the community in particular, also from the board that was the facilitator of this small group and so it took quite some time. But now there is something that has been shared, I think with -- with the GAC and with others where we think or we hope that this may be a basis for finding a practical solution. There have been some reactions and some -- there is some controversial debate about this issue in a number of fora, including articles on the Internet, but I think we should not really try -- try to remain on factual level, try to remain constructive and not get too emotional or hyperventilating about this issue because we really should try and find a solution rather sooner than later to come from a temporary regime to a permanent one.

So this would be my introduction to this issue. And maybe Brian, if you have something to add about -- to what I said about where we are now and how you as you said representing a large number of IGOs that have been very active in this in consultation with a lot of people. If you have something to add before we ask

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people for questions and comments, you're welcome to do so at this stage.

WIPO:

Yes. Thank you, Thomas. Thank you for the opportunity to speak on this important issue which I do, as you mentioned, on behalf of IGOs not present here today. Without recounting the long history of this file, I trust everyone present is aware that stemming from the GAC principles on new gTLDs for several years now the GAC has issued advise to the board seeking protection for IGO names and acronyms in the DNS. With full respect for important procedural questions still ahead, IGOs invite us all to take the task of reconciling differing views on this topic not as a zero sum scenario with a quote, unquote winner and loser but rather as a positive opportunity. An occasion to come together in solutions serving DNS stakeholders as well as the global community less directly represented here.

That notably includes the beneficiaries of the work IGOs undertake in furtherance of a wide range of shared goals, such as peace and security, sustainable development, human rights, public health, the environment, international law, and humanitarian relief.

Recently highlighted in a letter sent from United Nations Secretary-General Ben Ki-Moon to foreign ministers of the

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United Nations member states concerning the unauthorized use of IGO names and acronyms on the Internet, IGOs are unique institutions created by governments to fulfill global public missions. As such, IGO identifiers warrant special tailored protection by ICANN in keeping with the public interest behind their causes.

Today, notwithstanding IGO special status, nothing prevents bad actors from perpetrating scams through the misuse of their identities. When that happens, the resulting profit ultimately comes at the expense of IGO beneficiaries. These include rep refugees, patients, victims, workers, and many other causes undertaken on our collective behalf.

While it certainly would have been easier and was, indeed, previously considered to block domain names corresponding to an IGO identifier from availability for registration all together, IGOs understand that there is also a public interest in recognizing legitimate third-party co-existence. It is precisely this notion which the limited set of measures set out in the so-called small group proposal is designed to address, respecting the unique status of IGOs, but also in the spirit of working compromise.

Looking at the great potential of this meeting before us, IGOs urge ICANN to collectively break the procedural logjam holding

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back progress on this issue to curb practices which surely we can all agree should simply not be acceptable. Our failure to do so would harm the very best of causes, not to mention public perceptions as to consumer safety online, DNS credibility, and other governance concerns.

Distinguished delegates, over 100 years ago, governments agreed by treaty to prohibit the misleading use of IGO identifiers. In the modest terms now proposed today, IGOs ask ICANN to give this intention effect in this expanding DNS effort.

Thank you, Chair.

CHAIR SCHNEIDER: Thank you, WIPO, for this statement on behalf of other larger number of IGOs.

Questions, comments from members of the GAC?

France, please.

FRANCE: Yeah, thank you. Thank you, Chair.

Dear GAC colleagues, as it has been recalled, the issue of IGOs acronym protections in the DNS has been discussed in ICANN for more than four years. The so-called small group just delivered a package of proposals, and now is the time for relevant

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stakeholders to agree on a sustainable solution for the protection of IGOs acronyms and go behind the inconsistencies between previous GAC advice and GNSO recommendations.

The principles proposed by the small group are quite balanced and seem to take into account the concerns of both IGOs and GNSO. This willingness to look for creative solutions and compromise should be recognized as it is something we do value in the ICANN ecosystem.

As a consequence, France fully supports the text proposed by the IGO's representative for the GAC Hyderabad communique. We hope to be joined by other colleagues and that it will encourage, in the end, the Board to take action on the basis of the solutions proposed by the small group.

It's an opportunity for all of us, and especially for the board, to prove the ICANN model can deliver. If it doesn't, then of course impact on the public perception of ICANN would be important, and the risk is that other stakeholders will start to go to other organizations to share their concerns.

Thank you.

CHAIR SCHNEIDER: Thank you, France.

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Germany and the European Union Commission.

GERMANY:

Yes. Thank you. To make it brief, first of all I would like to thank all the colleagues involved in the discussions in the small group and that come to this proposal and way forward which, from our perspective, is very constructive.

As Thomas was mentioning, we had these discussions for a long, long time, and I think we are now going in the right direction. And, therefore, we would strongly support, like our French colleagues before, as a proposal for the -- for the text for the communique from our side. We think this is a good way forward, and we should bring a clear message from the GAC in the further discussion.

Thank you.

CHAIR SCHNEIDER:

Thank you.

European Union Commission.

EUROPEAN COMMISSION:

Yes, thank you very much. Well, I don't want to repeat everything that's been said by the two previous participants and members of the GAC, but just to reiterate that we think this is an



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issue that's gone on for a very long time. The results and the way forward are quite clear now. I think the small group has done very good work, and it's time really now to resolve the issue and move forward.

And we think that the proposal is a very good one and we should go ahead with it.

Thank you.

CHAIR SCHNEIDER:

Thank you. Before giving the floor to others, you should know that there seems to be different perceptions on the legitimacy of this informal group, and not everybody is yet -- has yet expressed willingness to build or use the elements of their proposal to find a solution.

So we'll discuss this with the GNSO and with the Board later in this meeting, and we still hope that we find a common basis, whatever that may be, to work on.

I see Switzerland and United Kingdom.

SWITZERLAND:

Thank you.

To be brief, I would like to support what the previous speakers have said. I think that the small group proposal is a milestone

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we have been waiting for, a milestone that also the board was waiting for. Now it's the time for the Board to take action to put all interested parties on the table and find a solution within a really short time frame. If possible, in the first or second meeting of 2017.

So I think it's time for them to finalize this reconciliation effort between the interested parties, and the small group proposal is a very good basis for doing that.

On a separate issue, which is also on this agenda, we have the protections of the Red Cross and the national societies of the Red Cross.

In Helsinki, we urged the Board to find a final solution to create permanent protections for the provisional ones in place nowadays.

I think it would give a very good sign to the overall community if the Board would, here in Hyderabad, take decisive action on this and make those provisional protections permanent.

Thank you.

CHAIR SCHNEIDER: Thank you.

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Before giving the floor to the U.K., I just want to quickly react on this, and as we have a representative from the Red Cross here in the room -- at least I hope that he's back. Yes. Please just give us a quick update from where we stand with the protection of the Red Cross, because from what I remember, the Board has reacted saying that a solution is close and that this will be positive.

Do you have any more information, latest information, on where we are? Stephan, please go ahead.

ICRC:

Thank you, Mr. Chair. Stephan Hankins, International Committee of the Red Cross for the record.

First of all, to express the ICRC and the International Red Cross Red Crescent Movement's appreciation to the GAC for its continued support in this matter.

As you will recall, the issue here, and which has been very longstanding, it's a five-year engagement or so, a five-year string of GAC advice on this file. It is a file that intends to achieve a permanent protection, indeed, for the designations, the names and -- and the appellations of the different components of the Red Cross/Red Crescent movement.

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It is an issue that is still pending resolution. And to give you a brief update of where we stand, for the time being the protections that have been accorded to the words Red Cross, Red Crescent, Red Crystal are, indeed, defined as temporary, and there is still on the table the whole issue of the protection of the names of the respective Red Cross/Red Crescent organizations, both the international bodies, the International Committee of the Red Cross and international federation of Red Cross/Red Crescent societies and the names of the 190 Red Cross/Red Crescent societies existing around the world.

So it is an issue which is still pending, and it is now two years since the -- the Board recommended to both the GAC and the GNSO to resolve differences between longstanding GAC advice and the recommendations issued by a GNSO PDP.

But the issue is receiving very little traction, and, indeed, it is -- it is highly important that in Hyderabad that the opportunity be taken to move the file forward.

And I just wanted to mention and mark appreciation also for the support received from the GAC members on the occasion of a recent coordination call between the Board, the GNSO, and the GAC held on 27th of October where this issue was central. And we're hoping that, indeed, this afternoon with the GNSO, as well

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as in the GAC's conversations with the Board this week, we can finally find a solution to resolve this and definitely.

Thank you very much.

CHAIR SCHNEIDER: Thank you, Red Cross.

I have the United Kingdom.

UNITED KINGDOM: Yes, thank you, Chair.

First of all, on the IGO small group proposal, U.K. supports that proposal. So joining colleagues in -- in advancing that as a GAC position.

On the Red Cross/Red Crescent Red Crystal situation, just to add as a participant in that Board/GNSO/GAC call on the 27th of October, that there were signals from the Board side -- first of all, that it was a distinct issue from the IGOs track, and due to the legal basis for the Red Cross protections under international agreements, and that, secondly, this was an imperative issue for resolution as soon as possible. Has been very long running. We have been engaged with GNSO and the Board on this issue going way back. And I remember well, very vividly, a very promising discussion roundtable in Marrakech.

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But anyway, the signal from the call on 27th of October was that we were very close to hearing that there was a solution from the GNSO side. There was an indication that here in Hyderabad there would be a solution.

So hopefully we'll hear from the GNSO to that effect this afternoon, and we can congratulate all the actors on finally resolving permanent protection of Red Cross, Red Crescent, Red Crystal identifiers.

Thank you.

CHAIR SCHNEIDER: Thank you, United Kingdom.

Brazil.

BRAZIL: Yes. Thank you, Chair.

Just to express our support for the proposal, small group proposal. I think it's a very, very interesting proposal. Offers needed protection to IGO acronyms, and I think it's in the public interest. So we follow.

CHAIR SCHNEIDER: Thank you. Other comments, views?

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Iran.

IRAN:

Thank you, Chairman. We similarly express our full support for this, I would say, longstanding issue on the table to find -- to finalize that, and also reflect its important in the communique.

I think in the meeting that we have this afternoon with the GNSO will also provide some further information on that, and I see in the policy briefing of GNSO that they look into the matter in a positive way. And this continuation of collaboration between the two entity of the ICANN is very important and certainly there would be a closing issue on that. And how to reflect that in the communique, it is yet to be discussed.

Thank you.

CHAIR SCHNEIDER:

Thank you. It is precisely 12:30 so unless there is somebody that insists on taking the floor, I think we can stop here. Very timely because the lunch break in this meeting is fairly short. It's only one hour. So let's be back at 1:30 for the PSWG session on Registry Directory Service, WHOIS and domain abuse. And then, as said, we have the meeting with the GNSO.

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So enjoy your lunch, and let's meet back here at 1330 rather sharp.

Thank you.

[ Lunch break ]