

# Staff Report of Public Comment Proceeding

## Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names

**Publication Date:** 15 January 2020

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### Public Comment Proceeding

Open Date: 23 October 2019

Close Date: 12 December 2019

Staff Report Due Date: 15 January 2020

### Important Information Links

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## Section I: General Overview and Next Steps

### General Overview

On 23 October 2019, ICANN posted the Proposed Implementation Plan for the Generic Names Supporting Organization (GNSO) Consensus Policy Relating to the Protection of Certain Red Cross Names. The deadline to receive public comments was 12 December 2019.

This public comment forum was intended to gather community feedback on the proposed policy changes related to the 191 full names of the National Red Cross or Red Crescent Societies, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies, which are to be placed into Reserved Names List. This new consensus policy and updated list of Red Cross Names is intended to supplement the previously-adopted Protection of International Governmental Organization (IGO) and International Non-Governmental Organization (INGO) Identifiers in All gTLDs Policy by which the specific terms Red Cross, Red Crescent, Red Lion & Sun and Red Crystal were withheld from registration.

Note that these recommendations relate to protection of full names at the second-level only and do not extend to the issue of protecting the acronyms of the International Committee of the Red Cross or of the International Federation of Red Cross and Red Crescent Societies, which will remain reserved pending further deliberations.

At the time this report was drafted, five comments were submitted to the forum.

### Next Steps

ICANN will review the comments received in collaboration with the Implementation Review Team (IRT) to determine whether any changes need to be made to the proposed implementation plan as a result of the input received. After the implementation plan has been finalized, ICANN's Contracted Parties will be notified of the implementation/compliance deadlines. The publication of the updated policy is planned for February 2020 with an effective date of August 2020 allowing 6 months for implementation.

## Section II: Contributors

*At the time this report was prepared, a total of five (5) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

### Organizations and Groups:

Name	Submitted by	Initials
Non-Commercial Users Constituency	José Alberto Barrueto Rodríguez	NCUC
Governmental Advisory Committee	Benedetta Rossi	GAC
At-Large Advisory Committee	ICANN At-Large Staff	ALAC
Business Constituency	Steve DelBianco	BC
Non-Commercial Stakeholder Group	Rafik Dammak	NCSG

### Individuals:

Name	Affiliation (if provided)	Initials

## Section III: Summary of Comments

*General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

ICANN has received five (5) comments from the community on the Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names. For ease of reference, each commenter's comments will be organized in the order they were received.

### Comments from the Non-Commercial Users Constituency (NCUC):

"As the protection related to the domain names of all the societies of the red cross and the red crescent has been explained in the different documents on this subject, they should cover as many languages as possible and the possibility of adding new ones in case necessary through procedures that facilitate or allow them to be reserved preventively."

### Comments from the Governmental Advisory Committee (GAC):

"The Governmental Advisory Committee (GAC) welcomes the opportunity to reiterate previous GAC consensus advice to the ICANN Board, relating to the protection of certain Red Cross Names. The following comment reflects GAC consensus advice provided to the ICANN Board and reiterated in the [ICANN66 Montreal GAC Communique](#)."

"The GAC welcomes the progress made towards the permanent protection and reservation of the Red Cross and Red Crescent designations, names and identifiers from registration at the second level. It takes note with appreciation of ICANN Board's Resolution of 27 January 2019 acknowledging the public policy considerations associated with the protection of the Red Cross and Red Crescent names in the domain name system, adopting the consensus recommendations of the reconvened GNSO

Policy Development Process, and instructing ICANN staff to execute the protections to be afforded to the names of the 191 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.”

“The GAC welcomes the outputs of the Implementation Review Team and encourages ICANN, upon completion of the current public comment forum, and pursuant to comments made, to publish and to notify ICANN’s Contracted parties of the new policy and of applicable implementation/compliance deadlines.”

“The GAC also reaffirms its past advice that the acronyms of the two international organizations within the International Red Cross and Red Crescent Movement (the ICRC and the IFRC) be addressed under the same protection regime to be agreed and implemented for the acronyms of IGOs.”

“The GAC lastly encourages the Board to consider complementing the list of Red Cross and Red Crescent designations protected at the first level and included in the Applicant Guidebook, with the full and agreed list of names and identifiers of the different Red Cross and Red Crescent organizations.”

#### **Comments from the At-Large Advisory Committee (ALAC):**

“The ALAC appreciates all the work that has taken place since 2014 which leads into the implementation of this updated Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy. In particular, we have followed and supported the work of the Reconvened IGO-INGO PDP Working Group as presented in its Initial Report on the Protections for Certain Red Cross Names in all gTLDs – Policy Amendment Process of 20 June 2018 (see: [AL-ALAC-ST-0718-03-01-EN](#)), and the recommendations in its Final Report of 5 August 2018 (see: [AL-ALAC-ST-1218-04-01-EN](#)).”

“As a worldwide internationally recognized humanitarian aid organization, and one that has been regularly the target of those seeking to fraudulently extract donations, the ALAC believes that the International Federation of Red Cross and Red Crescent Societies (incorporating National Red Cross or Red Crescent Societies, and the International Committee of the Red Cross) should be given the benefit of protection to its various identifiers, designations and/or acronyms as intended by the policy changes proposed for implementation in the said updated consensus policy. Implementation of the same, which we strongly support, helps resolve the issue of inconsistencies between the GAC's advice and the GNSO's previous policy on the affected Red Cross and Red Crescent names, which has been outstanding since 2013.”

“Further the ALAC supports the proposed changes in respect of the "1. Red Cross: Specific Designations protected under the 1949 Geneva Conventions and their Additional Protocols" list, "2. Red Cross: Acronyms" list. and "3. Red Cross: The International Red Cross and Red Crescent Movement and its components" list. In particular, we applaud the inclusion, into the third list, of names of the International Red Cross and Red Crescent Movement and of its respective components including the exact match names of the International Red Cross and Red Crescent Movement, the International Committee of the Red Cross and the International Federation in the six UN languages and of the National Red Cross and Red Crescent Societies. We also view as necessary the proposed action to recognize changes to the official names of the Red Cross Society entities, including component names, in Eswatini and Macedonia, respectively.”

“While reasonable financial or other resource costs that may arise during work on implementation of this updated Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy is to be expected, we are particularly appreciative that the ICANN Board has noted no fiscal or ramifications are envisaged on ICANN, the community or the public, in implementing the adopted policy.”

### **Comments from the Business Constituency (BC):**

“The ICANN Business Constituency (BC) supports the Implementation Plan for the Consensus Policy on Protection of Red Cross Names.”

### **Comments from the Noncommercial Stakeholder Group (NCSG):**

“The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names Policy Recommendation published for public consultation on 29 October 2019. The NCSG would like to acknowledge the cross-community efforts that were put into the process of drafting this phase one final report and further reinstate our position regarding the document.”

“Since 2013, we have adopted a consistent stance that special protections should be given only under exceptional circumstances, a position that we reiterated in 2018 when we submitted a comment on the Initial Report on the protections for certain Red Cross names in all gTLDs. In that statement, we said that reserving names can be detrimental to freedom of speech and expression. We consider the case at hand to be an illegitimate restriction of these freedoms.”

“Some days later, still in 2018, the NCSG presented a public comment on the Proposed Consensus Policy on Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains, which strengthened the NCSG’s interest in being part of the discussion. This, because we have been involved in the background and evolution of the subject matter.”

“From that, we still maintain the position that preserving and defending human rights is a fundamental mission for us. Therefore, reserving Red Cross names in domain name spaces is an action that is against freedom of expression. Moreover, in light of our mission, we find it important to show or either reiterate our positions regarding the policy changes that have been proposed for this implementation plan:

1. A finite list of the full names of the 191 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 are to be reserved at the second-level and added to the list that are protected by this new policy.”

“We reiterate our position on this point, as we do not believe these kinds of organizations require been reserved or have a special protection, would block legitimate applicants that wish to register these domains in good faith and for fair purposes, which is discriminatory. It would also arise a privileged position for the Red Cross and the Red Crescent Societies compared to other intergovernmental organizations.

2. The existing exception procedure will be made available for cases where the relevant Red Cross and Red Crescent Movement Organization wishes to register for its protected string(s) at the second level.”

“Since the public comment on the proposed consensus policy, the position of the NCSG is opposed to this implementation proposal, due to the fact that we don’t consider that a second-level domain name should be reserved for intergovernmental organizations. We actually believe that second-level domains should be available for registration to all interested applicants, following the same rules, otherwise this, again, represents discriminatory action against other groups. As mentioned previously, it would also create a position of privilege for these organizations.

3. Future error corrections, additions to, and deletions of any entries in the list of reserved names and their agreed variants should be made only in accordance with certain criteria developed by the IGO-

INGO Working Group.”

“We disagree to allowing modifications to the list, which has been approved as a “finite list” because it starts by contradicting that finite character of the final list and opening the possibility for abuses of this right.

4. Any and all future changes to the finite list should be made only in accordance with the variant criteria as defined by the IGO-INGO Working Group.”

“Such as the previous observation, the modification to the final list are a privilege, and we should prevent minimizing the risk to find ourselves obligated by our own rules to apply measures detrimental to our principles as an open an inclusive community.”

## **Section IV: Analysis of Comments**

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

ICANN org appreciates all the comments and suggestions added to the public forum for the Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names. ICANN reviewed all comments submitted in conjunction with the Implementation Review Team (IRT). The comments covered a range of topics and the analysis is organized as follows:

1. Comments in support of the implementation plan.
2. Comments on modification to the list of reserved names.
3. Comments concerning acronyms.
4. Comments regarding Top Level Domains.
5. Comments expressing appreciation for the implementation effort.
6. Comments in opposition of the Policy.
7. Comments on the Exceptions Procedure.

### **1. Comments in support of the implementation plan.**

GAC: “The GAC welcomes the progress made towards the permanent protection and reservation of the Red Cross and Red Crescent designations, names and identifiers from registration at the second level. ... The GAC welcomes the outputs of the Implementation Review Team and encourages ICANN, upon completion of the current public comment forum, and pursuant to comments made, to publish and to notify ICANN’s Contracted parties of the new policy and of applicable implementation/compliance deadlines.”

ALAC: “As a worldwide internationally recognized humanitarian aid organization, and one that has been regularly the target of those seeking to fraudulently extract donations, the ALAC believes that the International Federation of Red Cross and Red Crescent Societies (incorporating National Red Cross or Red Crescent Societies, and the International Committee of the Red Cross) should be given the benefit of protection to its various identifiers, designations and/or acronyms as intended by the policy changes proposed for implementation in the said updated consensus policy. Implementation of the same, which we strongly support, helps resolve the issue of inconsistencies between the GAC’s advice and

the GNSO's previous policy on the affected Red Cross and Red Crescent names, which has been outstanding since 2013.”

“Further the ALAC supports the proposed changes in respect of the "1. Red Cross: Specific Designations protected under the 1949 Geneva Conventions and their Additional Protocols" list, "2. Red Cross: Acronyms" list. and "3. Red Cross: The International Red Cross and Red Crescent Movement and its components" list. In particular, we applaud the inclusion, into the third list, of names of the International Red Cross and Red Crescent Movement and of its respective components including the exact match names of the International Red Cross and Red Crescent Movement, the International Committee of the Red Cross and the International Federation in the six UN languages and of the National Red Cross and Red Crescent Societies. We also view as necessary the proposed action to recognize changes to the official names of the Red Cross Society entities, including component names, in Eswatini and Macedonia, respectively.”

“While reasonable financial or other resource costs that may arise during work on implementation of this updated Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy is to be expected, we are particularly appreciative that the ICANN Board has noted no fiscal or ramifications are envisaged on ICANN, the community or the public, in implementing the adopted policy.”

BC: “The ICANN Business Constituency (BC) supports the Implementation Plan for the Consensus Policy on Protection of Red Cross Names.”

Implementation team response: The Implementation team appreciates the comments of support on the proposed implementation plan. In reviewing all comments received, there does not appear to be a need to alter the plan and, therefore, the implementation should proceed as proposed.

## **2. Comments on modification to the list of reserved names.**

NCUC: “As the protection related to the domain names of all the societies of the red cross and the red crescent has been explained in the different documents on this subject, they should cover as many languages as possible and the possibility of adding new ones in case necessary through procedures that facilitate or allow them to be reserved preventively.”

Implementation team response: The current policy in effect - [Protection of IGO and INGO Identifier in All gTLDs Policy](#) - published in August 2018 already provides a procedure for adding new names to the Red Cross, IOC and IGO Identifier List. This implementation plan for the recommendations in the [Final Report](#) on the Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains Policy Amendment Process is also consistent with this procedure.

NCSG: “We disagree to allowing modifications to the list, which has been approved as a “finite list” because it starts by contradicting that finite character of the final list and opening the possibility for abuses of this right.” “Such as the previous observation, the modification to the final list are a privilege, and we should prevent minimizing the risk to find ourselves obligated by our own rules to apply measures detrimental to our principles as an open an inclusive community.”

Implementation team response: Policy recommendations #4-6 in the [Final Report](#) on the Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains Policy Amendment Process discuss the rules for handling changes to the “finite list” of names. Therefore, not allowing modifications would not be in alignment with the recommendations.

### **3. Comments concerning acronyms.**

GAC: “The GAC also reaffirms its past advice that the acronyms of the two international organizations within the International Red Cross and Red Crescent Movement (the ICRC and the IFRC) be addressed under the same protection regime to be agreed and implemented for the acronyms of IGOs.”

Implementation team response: Reservation protections in regard to the acronyms of the International Committee of the Red Cross or of the International Federation of Red Cross and Red Crescent Societies does not change with this implementation. As of the writing of this report, the protection of the acronyms is under discussion by the ICANN Board, GAC, and GNSO. The policy implementation for acronyms will occur when the Board completes the discussion and directs the implementation team to implement policy recommendations following their adoption.

### **4. Comments regarding Top Level Domains.**

GAC: “The GAC lastly encourages the Board to consider complementing the list of Red Cross and Red Crescent designations protected at the first level and included in the Applicant Guidebook, with the full and agreed list of names and identifiers of the different Red Cross and Red Crescent organizations.”

Implementation team response: The policy recommendation is for second level domain names only and, as such, this implementation must be limited to the second level in all gTLDs. Protection at the Top Level (first level) is outside of the scope of this policy implementation and therefore no tasks are permitted with this implementation.

### **5. Comments expressing appreciation for the implementation effort.**

NCSG: “The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names Policy Recommendation published for public consultation on 29 October 2019. The NCSG would like to acknowledge the cross-community efforts that were put into the process of drafting this phase one final report and further reinstate our position regarding the document.”

ALAC: “The ALAC appreciates all the work that has taken place since 2014 which leads into the implementation of this updated Protection of IGO and INGO Identifiers in All gTLDs Policy consensus policy. In particular, we have followed and supported the work of the Reconvened IGO-INGO PDP Working Group as presented in its Initial Report on the Protections for Certain Red Cross Names in all gTLDs – Policy Amendment Process of 20 June 2018 (see: [AL-ALAC-ST-0718-03-01-EN](#)), and the recommendations in its Final Report of 5 August 2018 (see: [AL-ALAC-ST-1218-04-01-EN](#)).”

Implementation team response: The implementation team appreciates the acknowledgement and thanks the community for their support.

## **6. Comments in opposition of the policy.**

NCSG: “Since 2013, we have adopted a consistent stance that special protections should be given only under exceptional circumstances, a position that we reiterated in 2018 when we submitted a comment on the Initial Report on the protections for certain Red Cross names in all gTLDs.<sup>1</sup> In that statement, we said that reserving names can be detrimental to freedom of speech and expression. We consider the case at hand to be an illegitimate restriction of these freedoms.”

“Some days later, still in 2018, the NCSG presented a public comment on the Proposed Consensus Policy on Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains, which strengthened the NCSG’s interest in being part of the discussion. This, because we have been involved in the background and evolution of the subject matter.”

“From that, we still maintain the position that preserving and defending human rights is a fundamental mission for us. Therefore, reserving Red Cross names in domain name spaces is an action that is against freedom of expression. Moreover, in light of our mission, we find it important to show or either reiterate our positions regarding the policy changes that have been proposed for this implementation plan:

1. A finite list of the full names of the 191 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 are to be reserved at the second-level and added to the list that are protected by this new policy.”

“We reiterate our position on this point, as we do not believe these kinds of organizations require been reserved or have a special protection, would block legitimate applicants that wish to register these domains in good faith and for fair purposes, which is discriminatory. It would also arise a privileged position for the Red Cross and the Red Crescent Societies compared to other intergovernmental organizations.”

Implementation team response: The policy implementation team is obligated to implement only the policy recommendations that the IGO-INGO PDP Working Group has provided in the [Final Report](#) as directed by the Board in their [resolution](#). The implementation team does not have the option to reconsider the policy recommendations.

## **7. Comments on the Exceptions Procedure.**

NCSG: “Since the public comment on the proposed consensus policy, the position of the NCSG is opposed to this implementation proposal, due to the fact that we don’t consider that a second-level domain name should be reserved for intergovernmental organizations. We actually believe that second-level domains should be available for registration to all interested applicants, following the same rules, otherwise this, again, represents discriminatory action against other groups. As mentioned previously, it would also create a position of privilege for these organizations.



“2. The existing exception procedure will be made available for cases where the relevant Red Cross and Red Crescent Movement Organization wishes to register for its protected string(s) at the second level.”

Implementation team response: As the exception procedure is part of the policy recommendations, the implementation team must provide the exception procedure for the relevant protected organizations. Specifically, recommendation #2 states, “an exception procedure is to be put in place for cases where the relevant Red Cross or Red Crescent Organization wishes to apply for its protected string(s) at the second level.” As there is already an exception procedure in the currently published policy, the [Protection of IGO and INGO Identifier in All gTLDs Policy](#), this implementation plans to maintain that policy without alteration.