The ICANN GNSO "Business Constituency"

Comments on Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs

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Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC) to ICANN's public comment period on the Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs.[1] The BC's comments arise from the perspective of business users, as defined in our Charter:

> The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:
>> - promotes end-user confidence because it is a safe place to conduct business
>> - is competitive in the supply of registry and registrar and related services and
>> - is technically stable, secure and reliable.[2]

Comments

The BC offers comments on each of the recommendations in the Draft Final Report on Protection of IGO and INGO Identifiers in All gTLDs, as described in the table beginning on page 25 of the draft report.

5.1 Red Cross Red Crescent Movement (RCRC) Recommendations

#	Recommendation	Business Constituency Comment
•	**Scope 1 Identifiers**: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) • **Scope 2 Identifiers**: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)	
1	**Top-Level** protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Support
2	**Top-Level** protections of <u>Exact Match, Full Name</u> Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Support
3	**Top-Level** protections of <u>Exact Match, Acronym</u> Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Support
4	For *Red Cross Red Crescent Movement* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation **at the Top Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	BC: Support

#	Recommendation	Business Constituency Comment
•	**Scope 1 Identifiers**: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6)	
•	**Scope 2 Identifiers**: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)	
5	**Second-Level** protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement	BC: Support
6	**Second-Level** protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement	BC: Support
7	**Second-Level** protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement	BC: Support
8	For *Red Cross Red Crescent Movement* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Second-Level	BC: Support
9	Second-Level protections of only <u>Exact Match, Full Name</u> Scope 2 identifiers of the *Red Cross Red Crescent Movement* are bulk added as a single list to the Trademark Clearinghouse (TMCH)	BC: Support
10	Second-Level protections of only <u>Exact Match, Acronym</u> Scope 2 identifiers of the *Red Cross Red Crescent Movement* are bulk added as a single list to the Trademark Clearinghouse	BC: Support
11	*Red Cross Red Crescent Movement* Scope 2 identifiers, if added to the TMCH, allowed to participate in <u>90 Day Claims Notification</u> phase of each new gTLD launch for **Second-Level** registrations	BC: Support

5.2 International Olympic Committee (IOC) Recommendations

#	Recommendation	Business Constituency Comment
•	**Scope 1 Identifiers**: olympic, olympiad (Language: UN6, + German, Greek, and Korean)	
1	**Top-Level** protections of <u>Exact Match, Full Name</u> Scope 1 identifiers of the *International Olympic Committee* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Support
2	For *International Olympic Committee* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	BC: Support
3	**Second-Level** protections of only <u>Exact Match, Full Name</u> Scope 1 identifiers of the *International Olympic Committee* are placed in Specification 5 of the Registry Agreement	BC: Support
4	For *International Olympic Committee* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**	BC: Support

5.3 International Governmental Organization (IGO) Recommendations

#	Recommendation	Business Constituency Comment
	o **Scope 1 Identifiers**: GAC List - Full Name (Language: Up to two languages) o **Scope 2 Identifiers**: GAC List - Acronym (Language: Up to two languages)	
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Support
2	**Top-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Does not support, since existing mechanisms for Rights Objection and GAC Advice are adequate to block undesired delegations at the top-level.
3	For *International Governmental Organizations* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	BC: Support, only if these identifiers are designated "ineligible for delegation"
4	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Governmental Organizations* are placed in Specification 5 of the Registry Agreement	BC: Support
5	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are placed in Specification 5 of the Registry Agreement	BC: Does not support, since existing Rights Protection Mechanisms are adequate to protect these acronyms at the second-level.
6	For *International Governmental Organization* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**	BC: Support, only if these identifiers are placed Specification 5.
7	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse	BC: Support
8	*International Governmental Organizations* Scope 2 identifiers, if added to the TMCH, allowed to participate in 90 Day Claims Notification phase of each new gTLD launch for **second-level** registrations.	BC: Support

5.4 International Non-Governmental Organizations (INGO) Recommendations

#	Recommendation	Business Constituency Comment
• Scope 1 Identifiers: Ecosoc List (General Consultative Status) (Language: English only) • Scope 2 Identifiers: Ecosoc List (Special Consultative Status) (Language: English only) ***Note, this list of Identifiers are INGOs other than the RCRC and IOC SEE http://csonet.org/content/documents/E2011INF4.pdf		
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Non-Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Does not support, since existing mechanisms for Rights Objection and GAC Advice are adequate to block undesired delegations at the top-level.
2	**Top-Level** protections of Exact Match, Full Name Scope 2 identifiers of the *International Non-Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	BC: Does not support, since existing mechanisms for Rights Objection and GAC Advice are adequate to block undesired delegations at the top-level.
3	For *International Non-Governmental Organization* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation a the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level	BC: Support
4	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Non-Governmental Organizations* are placed in Specification 5 of the Registry Agreement	BC: Does not Support. Recommend use of Permanent Claims Notices instead of reserved names, since the Ecosoc list includes full names that are common words, such as *madre* and *care*.
5	**Second-Level** protections of only Exact Match, Full Name Scope 2 identifiers of the *International Non-Governmental Organizations* are placed in Specification 5 of the Registry Agreement	BC: Does not support, since existing Rights Protection Mechanisms are adequate to protect these full names at the second-level.
6	For *International Non-Governmental Organizations* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**	BC: Support
7	Second-Level protections of only Exact Match, Full Name Scope 1 (unless otherwise protected) & Scope 2 identifiers of the *International Non-Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse (TMCH)	BC: Support

#	Recommendation	Business Constituency Comment
• **Scope 1 Identifiers**: Ecosoc List (General Consultative Status) (Language: English only) • **Scope 2 Identifiers**: Ecosoc List (Special Consultative Status) (Language: English only) *****Note, this list of Identifiers are INGOs other than the RCRC and IOC** SEE http://csonet.org/content/documents/E2011INF4.pdf		
8	**Second-Level** protections of only Exact Match, Acronym Scope 1 (unless otherwise protected) & Scope 2 identifiers of the *International Non-Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse	BC: Supports TM Claim Notices for INGO acronyms in the TMCH. However, we are unable to assess those acronyms since they do not appear in the referenced Ecosoc list for General or Special Consultative Status organizations.
9	*International Non-Governmental Organizations* Scope 1 (unless otherwise protected) & Scope 2 identifiers, if added to the TMCH, allowed to participate in 90 Day Claims Notification phase of each new gTLD launch for **second-level** registrations	BC: Support

General Recommendations:

#	Recommendation	Business Constituency Comment
1	The WG recommends that the respective policies are amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections based on their identified designations.	BC: Support
2	IGO-INGO organizations be granted a fee waiver (or funding) for objections filed to applied-for gTLDs at the Top-Level	BC: Do not support
3	IGO-INGOs allowed to participate in Sunrise phase of each new gTLD launch	BC: Support
4	Fee waivers or reduced pricing (or limited subsidies) for registering into the Trademark Clearinghouse the identifiers of IGO-INGO organizations	BC: Do not support
5	IGO-INGOs allowed to participate in permanent Claims Notification of each gTLD launch	CBUC: Support, as long as claims notification is made permanent for _all_ TMCH strings, not just for IGO-INGOs.
6	Fee waivers or reduced pricing for IGO-INGOs filing a URS or UDRP action	BC: Do not support

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[1] See http://www.icann.org/en/news/public-comment/igo-ingo-final-20sep13-en.htm

[2] Business Constituency Charter, at http://www.bizconst.org/charter.htm.