

**Attendance:**

Amr Elsadr  
Farzaneh Badii  
Heather Forrest  
Martín Silva Valent  
Olga Kyrlyiuk  
Rafik Dammak  
Tatiana Tropina  
Thomas Rickert

**Audio Only:**

None

**Apologies:**

None

**Staff:**

Berry Cobb  
Dennis Chang  
Mary Wong  
Andrea Glandon

**AC Chat:**

Andrea Glandon:Welcome to the call to discuss Red Cross recommendations held on Wednesday, 12 September 2018 at 13:00 UTC.

Rafik Dammak:yes I can recognize that voice :)

Farzaneh Badii:only Good memories Rafik:)

Thomas Rickert:Hi all!

Tatiana Tropina:HI all!

Tatiana Tropina:thanks to Thomas and ICANN staff for organising this call - very much appreciated.

Farzaneh Badii:Yes thank you very much

Thomas Rickert:You are most welcome!

Rafik Dammak:hi Thomas

Thomas Rickert:Are we waiting for more folks to join.

Thomas Rickert:?

Berry Cobb:one or two more min.

Thomas Rickert:OK. Let's wait for a bit.

Rafik Dammak:we are not enough for you :(?

Thomas Rickert:Haha - nice, Rafik :-)

Farzaneh Badii:haha :) of course

Farzaneh Badii:we can start now

Tatiana Tropina:We are worth 66 people come on :-)

Thomas Rickert:All is good as long as we can laugh together

Farzaneh Badii:there will be laughs I promise that

Heather Forrest:Hi everyone!

Tatiana Tropina:Hi Heather! \*wave\*

Heather Forrest:you too Tanya :)

Rafik Dammak:hi heather, long time no see :p

Heather Forrest:no kidding, Rafik :)

Farzaneh Badii:a very deep dive I drowned

Farzaneh Badii:no rescue

Mary Wong:Farzaneh - hopefully this call will revive you!

Heather Forrest:All - just so everyone's aware, I'm on this call as the Council liaison to this PDP. Happy to try to answer any GNSO process questions too, if those arise.

Farzaneh Badii:Thank you Heather. sorry to add to your thousands of meetings

Berry Cobb:Minority statements from 2013

Report: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gnso.icann.org\\_en\\_issues\\_igo-2Dingo-2Dfinal-2Dminority-2Dpositions-2D10nov13-2Den.pdf&d=DwlFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHorKms9SFxImbYEJqG-y9I&m=gPqXHPR3C--ekszxGH4VmHvdwbEaW4M3Mum\\_ff53H0&s=o8Wfbtpfa-NmyRTSDTBdpGlzq1VD0VrM698Yq\\_VIKD0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_en_issues_igo-2Dingo-2Dfinal-2Dminority-2Dpositions-2D10nov13-2Den.pdf&d=DwlFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHorKms9SFxImbYEJqG-y9I&m=gPqXHPR3C--ekszxGH4VmHvdwbEaW4M3Mum_ff53H0&s=o8Wfbtpfa-NmyRTSDTBdpGlzq1VD0VrM698Yq_VIKD0&e=)

Farzaneh Badii:yes we referenced it in public comment ...

Rafik Dammak:it is faint

Andrea Glandon:Please make sure that mics are muted and computer speakers are off or lowered

Andrea Glandon:Farzaneh, are you speakers and mic off since you are on the audio bridge?

Mary Wong:Note that while it's important that the Council is sure that the WG followed the relevant process, that's not necessarily the only consideration.

Berry Cobb:Link to Public Comment Review Tool: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gnso.icann.org\\_en\\_issues\\_igo-2Dingo\\_public-2Dcomments-2Dreview-2Dtool-2D06aug18-2Den.pdf&d=DwlFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHorKms9SFxImbYEJqG-y9I&m=gPqXHPR3C--ekszxGH4VmHvdwbEaW4M3Mum\\_ff53H0&s=5k-BujWEghC93aCVogJnuf1Km7K7Kgyuy-xUyNE8gHY&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_en_issues_igo-2Dingo_public-2Dcomments-2Dreview-2Dtool-2D06aug18-2Den.pdf&d=DwlFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHorKms9SFxImbYEJqG-y9I&m=gPqXHPR3C--ekszxGH4VmHvdwbEaW4M3Mum_ff53H0&s=5k-BujWEghC93aCVogJnuf1Km7K7Kgyuy-xUyNE8gHY&e=)

Mary Wong:Correct.

Martín Silva Valent:hi

Amr Elsadr:Hi all. Apologies for being late.

Berry Cobb:Note that the section of deliberations and the part on Legal Basis is only a high-level summary. It is important to review the two links to additional materials. 1) Submission by Red Cross to the Board 2) compilation from staff to the Board for the Bruce Tonkin facilitated discussion.

Farzaneh Badii:yes I have read that Berry

Farzaneh Badii:oh no I didn't say there was disrespect. :) they were just not well elaborated.

Amr Elsadr:@Thomas: Do any of the treaties speak to word/string protections of any kind? I only see protection for an emblem!!

Farzaneh Badii:for emblem yes Amr

Thomas Rickert:Amr - Mary will respond to that.

Amr Elsadr:Yes..., the protection of the emblem is obvious, and has been referenced on a number of occasions. Wondering about any protection beyond the emblem.

Amr Elsadr:Thanks, Thomas.

Mary Wong:See Article 53 of the Geneva Convention: "The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times."

Berry Cobb:The key term from the Geneva Convention that the WG considered was Emblems and Designations <<<<not an exact quote.

Berry Cobb:The WG deliberated extensively on the term "Designations".

Amr Elsadr:@Mary: Which Geneva Convention is this?

Mary Wong:1949 I think

Farzaneh Badii:there is an addendum Amr

Mary Wong:First

Farzaneh Badii:in 2017 as well I believe

Amr Elsadr:There are several conventions in 1949, if I'm not mistaken.

Amr Elsadr:First..., ok..., thanks.

Berry Cobb:"The protection awarded to the designations finds its legal foundation in universally ratified international treaties – namely the 1949 Geneva Conventions, today ratified by 195 States, and their Additional Protocols of 1977 and 2005."

Amr Elsadr:I don't think we need to go over the recommendations, but thanks Berry.

Berry Cobb:My feelings are not hurt. ;-)

Amr Elsadr:Haha. Good!! :F

Amr Elsadr::D

Amr Elsadr:@Mary: Thanks. Was hoping someone would speak to "designations".

Amr Elsadr:Article 53: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_ihl-2Ddatabases.icrc.org\\_applic\\_ihl\\_ihl.nsf\\_Article.xsp-3Faction-3DopenDocument-26documentId-3DF4C0BCFA43AA7067C12563CD0051A306&d=DwIFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl415cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gPqXHP3C\\_--ekszxGH4VmHvdwbEaW4M3Mum\\_ff53H0&s=43ADUf\\_hhwkuvQIdYKnNsKTYpmYLw\\_kjz00J-\\_Sg7Fk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_ihl-2Ddatabases.icrc.org_applic_ihl_ihl.nsf_Article.xsp-3Faction-3DopenDocument-26documentId-3DF4C0BCFA43AA7067C12563CD0051A306&d=DwIFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl415cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gPqXHP3C_--ekszxGH4VmHvdwbEaW4M3Mum_ff53H0&s=43ADUf_hhwkuvQIdYKnNsKTYpmYLw_kjz00J-_Sg7Fk&e=)

Tatiana Tropina:so we are looking at the prohibition to use the designation as covering the prohibition to use the name, basically?

Heather Forrest:I argued strenuously in the reconvened group that we had to ensure against legal basis creep by strictly limiting the reservation to the full names with minimal variants.

Farzaneh Badii:oh Mary's hand was up too

Farzaneh Badii:very entertainign :)

Mary Wong:Yes the legal basis analysis was one component and a fundamental discussion but not the only reason.

Farzaneh Badii:I don't think it should be the reason

Farzaneh Badii:but yeah ... just wanted to tell you where we are coming from

Heather Forrest:@Mary, Berry, can we easily identify which calls the legal basis was discussed, and provide links to those recordings/transcripts? I can appreciate the position that Mary and Thomas are in having to summarise weeks of quite rich debates and discussions, and think it's not fair to hold them to such precise recollections.

Amr Elsadr:If my understanding is correct, national law only affects actors within its jurisdiction. So a RO may need to reserve names under the gTLDs it operates, but does not necessarily apply to other ROs outside of the applicable jurisdiction. Correct?

Amr Elsadr:Thanks, Heather. That'd be helpful.

Farzaneh Badii:the reference to national law and international here at ICANN is a risk while they have not been interpreted expertly either

Farzaneh Badii:not saying the group is not expert. .

Berry Cobb:@Heather, please see the text pod to the right. There were two meetings mostly assigned to the legal basis discussion. It was a homework assignment by those members to read the materials provided. There was also a fair amount of discussion on the mailing list. That will take time to hunt those down.

Farzaneh Badii:discussion of stakeholder groups BERRY does not establish legal reasons

Amr Elsadr:So the public interest in protecting this list of names was a secondary factor under consideration, other than applicable law.

Heather Forrest:Fabulous, thanks Berry - that's very helpful (and super speedy)

Berry Cobb:@Faraneh, I'm just responding to what Heather asked for.

Amr Elsadr:@Mary: I don't think you answered my question. I hope it was not misunderstood.

Mary Wong:Oh sorry Amr. Can you remind me what that was?

Berry Cobb:191 National Societies

Amr Elsadr:I was wondering whether the WG considered any discrepancies between the protections offered by the GC (such as in article 53), and what the WG has recommended. The extent of protections in the two do not seem completely aligned. It'd also be helpful to clarify what is meant by "designations". Thanks.

Mary Wong:@Amr, I'm not sure I understand what you mean by discrepancies?

Berry Cobb:Link to finitie list: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gnso.icann.org\\_en\\_issues\\_igo-2Dingo\\_red-2Dcross-2Didentifiers-2Dproposed-2Dreservation-2D06aug18-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gPqXHP3C -- ekszxGH4VmHvdwbEaW4M3Mum\\_ff53H0&s=gu4pkbCj16967TME6zl\\_kgkme-ep2rb1fwnQFBq6yxk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_en_issues_igo-2Dingo_red-2Dcross-2Didentifiers-2Dproposed-2Dreservation-2D06aug18-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gPqXHP3C -- ekszxGH4VmHvdwbEaW4M3Mum_ff53H0&s=gu4pkbCj16967TME6zl_kgkme-ep2rb1fwnQFBq6yxk&e=)

Amr Elsadr:My reading of Article 53 is that protection is not absolute, but rather in certain scenarios. The reconvened WG has recommended absolute and permanent protection, so long as the names remain on the list of recognized societies.

Amr Elsadr:\*but rather applies in certain scenarios...

Farzaneh Badii:these are 91 organizations and many many more names I believe

Berry Cobb:Of the 191. It is their Formal name vs. their Usual or Common name.

Mary Wong:@Amr, the text says "shall be prohibited at all times" - and the Official Commentary makes clear that this applies to the Internet.

Amr Elsadr:I'm just wondering whether the reconvened WG even considered this, and what their conclusions might have been.

Amr Elsadr:Right..., seeing that now. Thanks, Mary.

Amr Elsadr:..., and designations was meant to refer to names?

Amr Elsadr:among other "designations"?

Berry Cobb:The addition of future National Societies are contained within the current IGO Identifiers in All GTLDs Policy. There's link to the right pod.

Berry Cobb:In that policy is a procedure for how new Society names would be added. It flows from the GAC, GNSO for first review and approval. Then to GDD for implementation on the Spec 5 list. There is no PDP requirement for future adds.

Farzaneh Badii:also what sort of protection? Ex Ante protection of words? so tell me can I ever register iranianredcross.watch?

Berry Cobb:Reservation protection at the 2nd level for All gTLDs. So, yes, that string as an example can only ever be registered by the IFRC.

Farzaneh Badii:nice. I cannot hold these guys accountable

Berry Cobb:The question is though, is there any possible legitimate interest for any other person/organization to register such a name without causing confusion and other public interest concerns?

Berry Cobb:That is what the REconvened WG discussed/pondered.

Berry Cobb:....not me.

Farzaneh Badii:yeah public interest

Berry Cobb:Protection of IGO and INGO Identifiers in All gTLDs  
Policy:[https://urldefense.proofpoint.com/v2/url?u=https-3A www.icann.org\\_resources\\_pages\\_igo-2Dingo-2Dprotection-2Dpolicy-2D2018-2D01-2D16-2Den&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gPqXHP3C -- ekszxGH4VmHvdwbEaW4M3Mum\\_ff53H0&s=Bjph8Cebe4HCY0LhHiDs7m3YzkDSyYok-WaHp94Kgdc&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A www.icann.org_resources_pages_igo-2Dingo-2Dprotection-2Dpolicy-2D2018-2D01-2D16-2Den&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gPqXHP3C -- ekszxGH4VmHvdwbEaW4M3Mum_ff53H0&s=Bjph8Cebe4HCY0LhHiDs7m3YzkDSyYok-WaHp94Kgdc&e=)

Berry Cobb:This consensus policy was effective 1 Aug 2018.

Farzaneh Badii:you shouldn't consider additions if it's supposed to be a finite list.

Heather Forrest:I think Thomas started off with an important point, which will also come into play in another of our PDPs ending its lifespan soon. The Council will need to ask whether the PDP WG had access to relevant information to make a decision, provided an opportunity for all positions to be heard, and deliberated on that information. This procedural aspect is also important to avoid Council engaging in any abuse of process

Amr Elsadr:Agreed, Heather, and thanks for noting it.

Farzaneh Badii:thanks Heather

Farzaneh Badii:sorry I don't want to be difficult. but I really think that additions should not be allowed and be through PDP

Mary Wong:@Farzaneh - the rules will apply to new National Societies. For existing societies, what's on the list is it.

Farzaneh Badii:thank you Mary. I understand

Farzaneh Badii:thank you Berry

Mary Wong:As Berry is noting, for existing names on the list - "changes" mean corrections and modifications.

Amr Elsadr:Is there a mechanism to inform ICANN when/if National Societies disappear or are disavowed by the IRC? Sorry..., don't know the technical name for that process.

Berry Cobb:Not to mention on a very aggressive timeline by which to conduct deliberations in anticipation of the 2012 launch of gTLDs.

Mary Wong:@Amr, see Rec 5: " ... any proposed deletions from the list would be based on the cessation of operations of that National Society or its removal from the Movement in accordance with all applicable rules and procedures of the Red Cross Movement."

Amr Elsadr:Yup. Exactly Mary. So how would we (ICANN org and community) know when this happens? Implementation detail?

Berry Cobb:@Amr yes. It is the same procedure for addition of new societies. It will flow from IFRC to GAC, GNSO to GDD...should one ever be sunset.

Farzaneh Badii:they are very helpful thank you .

Amr Elsadr:OK. Thanks. Finding this call very helpful. Thanks to all of you for arranging it.

Heather Forrest:The Ops Procedures require us to vote on the Final Report in the upcoming September meeting

Tatiana Tropina:Thank you all. Very helpful.

Tatiana Tropina:so Thomas we can add the minority report?

Tatiana Tropina:sorry statement

Heather Forrest:old hand Thomas

Mary Wong:@Tatiana, sorry - no

Tatiana Tropina:aha I see Mary answered

Mary Wong:Not to the report.

Berry Cobb:It can be a part of the motion....not the report.

Mary Wong:ok

Heather Forrest:Final point we owe Berry and Mary a huge debt here as they've done a herculean task to summarise hours of discussion

Mary Wong:Yes we can add another Whereas clause, for instance

Tatiana Tropina:thank you!

Rafik Dammak:thanks all

Heather Forrest:thanks Thomas

Tatiana Tropina:bye all

Farzaneh Badii:very interesting,. thanks Heather and Mary and ICANN staff :)

Amr Elsadr:Thanks all. Bye.