

Initiation of Policy Amendment Process on Specific Red Cross and Red Crescent Names - deferred to electronic vote

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WHEREAS, in November 2013, the GNSO completed a Policy Development Process (PDP) which resulted in a number of consensus recommendations for protecting the identifiers of International Governmental Organizations and International Non-Governmental Organizations, including the International Red Cross and Red Crescent Movement (Movement), at the top and second level in all generic top-level domains (gTLDs) (PDP Working Group Final Report: <https://gns0.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>, with Minority Statements: <https://gns0.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf>);

WHEREAS, the GNSO Council approved all the PDP consensus recommendations on 20 November 2013 (<http://gns0.icann.org/en/council/resolutions#20131120-2>) and, following a mandatory public comment period on the final PDP recommendations, sent its Recommendations Report to the ICANN Board on 23 January 2014 (<https://gns0.icann.org/en/issues/council-board-igo-ingo-23jan14-en.pdf>);

WHEREAS, on 30 April 2014 the Board adopted those of the GNSO's PDP recommendations that were consistent with GAC advice on the topic, which in relation to the Movement were for the terms "Red Cross", "Red Crescent", "Red Crystal", and "Red Lion & Sun" (referred to as "Scope 1 Identifiers" by the PDP Working Group) to be reserved at the top and second levels, with an Exception Procedure to be designed for the affected organization (<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>);

WHEREAS, between June 2014 and January 2015 the Board and the GNSO Council engaged in discussions of the remaining inconsistencies between GAC advice and GNSO policy, which in relation to the Movement concerned the names of the then-189 National Red Cross and Red Crescent Societies, and the names and acronyms of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies (referred to as "Scope 2 Identifiers" by the PDP Working Group);

WHEREAS, at ICANN57 in November 2016 the Board proposed that the GAC and the GNSO engage in a facilitated, good faith discussion to attempt to resolve the remaining inconsistencies between GAC public policy advice and GNSO consensus policy recommendations regarding the "Scope 2 Identifiers" of the Movement;

WHEREAS, representatives from the GAC and the GNSO engaged in such a facilitated, good faith discussion at ICANN58 in March 2017 during which the following matters were noted:

- (1) The public policy considerations associated with protecting the Movement's identifiers in the domain name system (DNS);
- (2) The GAC's rationale for seeking permanent protection for the terms most closely associated with the Movement and its respective components is grounded in the protections of the designations "Red Cross", "Red Crescent", "Red Lion and Sun", and "Red Crystal" under international treaty law and under multiple national laws;

(3) The list of names of the Red Cross and Red Crescent National Societies is a finite, limited list of specific names of the National Societies recognized within the Movement (http://www.ifrc.org/Docs/ExcelExport/NS_Directory.pdf);

(4) There are no other legitimate uses for these terms; and

(5) The GAC had provided clarification following the completion of the GNSO PDP, via its March 2014 Singapore Communique, on the finite scope of the specific list of Movement names for which permanent protections were being requested (<https://gacweb.icann.org/download/attachments/28278854/Final%20Communique%20-%20Singapore%202014.pdf?version=1&modificationDate=1397225538000&api=v2>);

WHEREAS, following the GAC-GNSO discussion, the Board passed a resolution on 16 March 2017 requesting that the GNSO initiate its process for Amendments or Modifications of Approved Policies, as described in Section 16 of the GNSO PDP Manual (<https://gnsso.icann.org/en/council/annex-2-pdp-manual-01sep16-en.pdf>), to consider amending the GNSO's approved policy concerning the specific names of the Red Cross and Red Crescent National Societies and the specific names International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies (collectively, Recommendation 5 in Section 3.1 of the PDP Working Group Final Report): and

WHEREAS, the GNSO Council agrees that the aforementioned set of exceptional circumstances provides a justifiable basis for the Council to take this extraordinary step to reconsider the policy recommendation and that this is not to be viewed as the Council's consent to reopen PDP recommendations in all cases where GNSO-developed policy is in discord with GAC advice:

RESOLVED,

1. The GNSO Council hereby initiates the process described in Section 16 of the GNSO PDP Manual; accordingly, the GNSO Council requests that the PDP Working Group be reconvened for the purpose of consultation by the GNSO Council on the following proposed amendment to Recommendation 5 in Section 3.1 of the PDP Working Group Final Report:

(a) The full names of the now-190 Red Cross National Societies and the full names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement, with an exception procedure to be created for cases where the relevant Red Cross Red Crescent Movement organization wishes to apply for their protected string at the second level;

(b) In placing the specified identifiers into Specification 5 of the Registry Agreement, this should apply to an exact match of the full name of the relevant National Society recognized within the International Red Cross and Red Crescent Movement (in English and the official languages of its state of origin), the full names of the International Committee of the Red Cross and of the International Federation of Red Cross and Red Crescent Societies (in the six official United Nations languages) and a defined limited set of variations of these names; and

(c) In considering the proposed amendment, account is to be duly taken of the matters noted during the GAC-GNSO facilitated discussion at ICANN58 as well as of the GAC's public policy advice to reserve the finite list of names of the Red Cross and Red Crescent National Societies, as recognized within the International Red Cross and Red Crescent Movement, in all gTLDs.

2. In accordance with Section 16 of the PDP Manual, the GNSO Council directs ICANN staff to post the proposed amendment to Recommendation 5 for public comment, for a period of 30 days commencing from the date of the first meeting of the reconvened PDP Working Group.

3. In accordance with Section 16 of the PDP Manual, the GNSO Council intends to put the proposed amendment to a vote following consultation with the PDP Working Group and the conclusion of the requisite public comment period. The GNSO Council notes that approval of the proposed amendment requires a Supermajority Vote of both Houses in favour of the amendment.

4. The Council thanks all of those who participated in the talks at ICANN58 in Copenhagen, and in particular Bruce Tonkin for moderating the discussion.