

**Statement of the Non-Commercial Stakeholders Group on the Proposed Consensus Policy on Protections for Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains**

The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the proposed Consensus Policy on Protections for Certain Red Cross and Red Crescent Names in All Generic Top Level Domains<sup>1</sup> prior to its consideration by the ICANN Board.

Since 2013, we have adopted a constant stance that special protections should be given only under exceptional circumstances, a position which 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>2</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.

Having closely followed the discussions, we are aware of the background and evolution of the subject matter and have closely scrutinized the outcome of the work of the Policy Development Process working group. We also acknowledge that, in August 2018, the GNSO Council voted unanimously to approve the final recommendations contained in the Final Report from the Reconvened Working Group. We would like to reiterate our statement that was made during the Council meeting in August.

*“NCSG applauds the dedication of the working group to clarify its recommendation about reserving Red Cross names in domain name space. The working group has responded to our concerns. The process that the working group went through was solid and fulfills the formal requirements of the PDP.” We would like to make it clear that while we appreciate the effort and voted affirmative for the approval of the recommendation at the GNSO Council, we record our grave concern regarding the move towards reserving names and their alteration by broad interpretation of national laws and conventions in domain name space. While the freedom of expression concerns in this context might be minimal for some, the practice itself is unacceptable for us and for the broader community. We hope that the recommendations of this group will be interpreted narrowly without taking an unintended precedent in the future.”<sup>3</sup>*

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<sup>1</sup> <https://www.icann.org/public-comments/red-cross-names-consensus-policy-2018-11-21-en>

<sup>2</sup> <http://mm.icann.org/pipermail/comments-red-cross-protection-initial-21jun18/attachments/20180801/ccab820/InitialReportontheProtectionsforCertainRedCrossNamesinallgTLDsPolicyAmendmentProcess-NCSGcomment-0001.pdf>

<sup>3</sup> <https://gns0.icann.org/sites/default/files/file/field-file-attach/ncsg-statement-adopt-rc-protection-amend-process-27sep18-en.pdf>

Moreover, in light of our mission, we find it important to reiterate our initial position regarding the recommendations of the PDP Working group:

***Recommendation #1: Existence of 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.***

The NCSG continues to disagree with this recommendation. We do not believe this type of names requires special protection, in spite of the public policy considerations mentioned by the report, which we see as neither imperative nor convincing. On the contrary, reserving these names would effectively block them, which may prevent legitimate applicants that may wish to register these domains in good faith and for fair purposes. This would create a discriminatory situation between such applicants and the Red Cross and Red Crescent Societies, while running the risk that such names would remain blocked and unused by them in perpetuity. It would also place the Red Cross and the Red Crescent Societies in a privileged position compared to other intergovernmental organizations.

***Recommendation #2: Introduction of an exception procedure for cases where the relevant Red Cross or Red Crescent Organization wishes to apply for its protected string(s) at the second level.***

The NCSG continues to support its position that second level domain name should not ever have been reserved for intergovernmental organizations. It is appreciated that there is a process for allowing third-party registrants to register domain names that are being “protected” for Red Cross organizations. Similarly to the reasoning made for Recommendation #1, we believe that these second-level domains should be released and available for registration to all interested applicants, following the same rules. We see no reason why these particular IGOs would be in a position of privilege and see it as an unjust obstruction of the freedom to register a domain name.

***Recommendation #3, and subsequently Recommendations #4-6: That all future error corrections, additions to and deletions of any entries in the finite list of reserved names and their agreed variants be made only in accordance with the criteria developed by the Working Group and listed in Recommendations #4-6.***

The NCSG continues to find it problematic that the proposed Policy allows for modifications (additions and deletions) to the list, which has been approved as a “finite list”. Allowing for additions contradicts this finite and exceptional character of the final list, opening the possibility for abuses of this right and excesses, which could take time and efforts from us to resolve, should it happen in the future. We should remain cautious in granting such privileges and pay attention to the framing and content of the rules we set in place, to minimize the risk to find ourselves obligated by our own rules to apply measures detrimental to our values and principles as a community.

The NCSG is grateful for the opportunity to provide input on this issue.