

Comment of the Implementation Plan for the GNSO Consensus Policy Relating to the Protection of Certain Red Cross Names - NCSG Comment

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.¹ 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.²

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**

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

² <https://docs.google.com/document/d/1a7SpjIO6q2F5cjUotsIjVG7GWjJNbxG9VlxiKk6fzFo/edit>

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.

Additionally, on the changes that are being proposed for clarity purposes that concern the titles and lists of the three categories of Red Cross and Red Crescent identifiers found on the IOC, Red Cross, and IGO reserved names for new gTLDs:

- 1. Rename the "Specific Identifiers of Red Cross and Red Crescent Movement" list to "1. Red Cross: Specific Designations protected under the 1949 Geneva Conventions and their Additional Protocols" list (note that this is a title change only, not a change to the list).**

Including the 1949 Geneva Conventions and Additional Protocols on the list name, could be beneficial due to be in compliance with International and Humanitarian Law, specifically with a document that seeks to regulate the context of armed conflict and to limit its effects. It would also have their designations protected under the 1949 convention and their 3rd Additional Protocol in the 6 UN languages, which could make it more accessible for people around the world.

- 2. Dissolve the "International Red Cross and Red Crescent Movement - National Red Cross and Red Crescent Societies Names" list and create the "2. Red Cross: Acronyms" list.**
- 3. Rename "International Red Cross and Red Crescent Movement - International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies Names" list to "3. Red Cross: The International Red Cross and Red Crescent Movement and its components" list.**

Regarding these two implementation proposals, we maintain the position that creating more of these finite lists would be prejudicial for the inclusion of all interested parties and would create a privileged group from the organizations over the others. Similarly as said before, this could even end generating risks to find ourselves obligated by our own rules to apply measures that could be detrimental to the NCSG principles.

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