**ADDITIONAL NOTES AND COMMENTS FOR DISCUSSION FROM THE GNSO COUNCIL CHAIRS**

**24 February 2017**

The Scope:

* Please explain how the legal protections that exist under international law for the specific emblems “Red Cross”, “Red Crescent”, “Red Crystal” and “Red Lion and Sun” extend “by implication” to the Red Cross National Society Names and International Movement names
* Please clarify if the scope of the facilitated discussion is limited only to the 190 Red Cross National Society Names (possibly with additions, if any, if and when a new National Society is admitted into the movement) and the listed names and acronyms of the International Movement, or if this is meant to be only an illustrative and non-exhaustive list. We had understood from the GAC advice that this was to be a limited list, and we believe that the recommendations from the 2012-2013 GNSO PDP were developed on that basis (see, e.g., the “Scope 2 Identifiers” from the PDP Final Report).
* Regarding the new suggested language of “relevant national languages”, we note the email to the list from the Red Cross representatives confirming that “there is no substantive difference between the formulations “in relevant national languages “ and "in English and the official languages of their respective States of origin”. We therefore suggest retaining the usage of “English and the official national language …” in accordance with GAC advice.
* Similarly, with regard to the reference of the “six official languages of the Movement”, please confirm that this means the six official United Nations languages, in accordance with GAC advice and the GNSO PDP recommendations.
* Regarding the inclusion of the Russian acronym “MKKK”, we had understood that the GAC advice did not include this particular acronym and the GNSO PDP recommendations included this acronym for 90-days Claims notification. This is a point that we believe should be addressed.

The Issue in Context:

* In relation to Jorge’s suggestion that additional background be included, such as the nature of the interim protections approved by the ICANN Board, we believe that a more appropriate place for this is the longer Briefing Paper (outlining the applicable international law and the differences between GAC advice and GNSO policy).

On the specific international legal grounds for the protection of the Red Cross and Red Crescent designations:

* As noted above, we believe that the more appropriate place for these details is the expected Briefing Paper that will set out the legal landscape for these protections. In particular, we believe that the paragraph beginning with “In addition to the legal argumentary detailed above … “ should not be included in a Problem Statement.