

**Outline of past GAC communiqués and advice
on the protection of Red Cross and Red Crescent
designations and names
(up until ICANN 59, Johannesburg)**

2011

GAC Singapore Communiqué (Annex: Letter of Ms. Heather Dryden, GAC Chair, to Mr Peter Dengate Thrush, Chairman of ICANN's Board of Directors, 18 June 2011) (extract)

The GAC draws the Board's attention to previous advice: [...]

-  *On appropriate protections that should be offered to the [Olympic, Olympiad] and Red Crescent/Red Cross names;*

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Letter of Ms. Heather Dryden, GAC Chair, to Mr Stéphane Van Gelder, Chairman of the GNSO Council, 14 September 2011 (and its annex: "GAC proposal to the GNSO - Re: Protecting the International Olympic Committee and Red Cross/Red Crescent names in new GTLD's) (extract)

Proposal: ICANN should amend the new gTLD Registry Agreement to add a new schedule of second level reserved names. The new schedule should reserve those terms most directly associated with [the International Olympic Committee (IOC)] and the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world. [...] This proposal is intended to complement the permanent protection of [Olympic and] Red Cross words to be implemented at top level.

2012

GAC Communiqué, Costa Rica, 16 March 2012 (extract)

International Olympic Committee (IOC), Red Cross and Red Crescent

The GAC advises that the IOC, Red Cross and Red Crescent names should be protected without delay at the top level so that these protections can be applied as part of the first round of new gTLD applications. The GAC and Generic Names Supporting Organisation (GNSO) held a focused exchange on the efforts by members of the GNSO community to develop proposals to protect the IOC/Red Cross and Red Crescent Names at the top and second levels. The GNSO Drafting Team Provided an overview of its proposals to ensure effective protection is available at the top level, which the GAC concurred with. If approved by the GNSO Council, these proposals will be forwarded to the ICANN Board. In that event, the GAC urges the Board to act expeditiously on these proposals, to ensure that the IOC/Red Cross and Red Crescent Names will benefit from full protection at the top level. During the exchange, the GAC confirmed the rationale for its consensus proposal to protect IOC/Red Cross and Red Crescent names, as this rationale is not outlined in the Applicant Guidebook the GAC notes the need for clarification of the underlying criteria.

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GAC Communiqué, Prague, 28 June 2012 (extract)

III. Issues discussed and inter-constituencies activities

GAC/Generic Names Supporting Organisation (GNSO)

The GAC met with the GNSO and discussed the expected impacts on GNSO constituencies with the launch of the new gTLD program and the possibility of an influx of new participants into the multistakeholder processes or change in constituency. The GAC also received an update on the Consumer Trust, Choice and Competition Working Group's review of the new gTLD program, and the methodology behind identifying the forty-five (45) different categories of metrics relating to consumer trust, choice and competition.

The GAC and the GNSO also had a discussion regarding the recent ICANN Board rejection of the recommendation from the GNSO Council for protections for International Olympic Committee and Red Cross/Red Crescent names and agreed that further clarity regarding the status of work on this issue was required. [...]

9. New gTLDs

In addition to the advice previously communicated to the Board on June 17, 2012:

The GAC advises the Board: [...]

That it requires further clarification as to the status of its pending request for enhanced protections for the IOC and Red /Red Crescent names at the top and second levels, in light of the board's rejection of the GNSO's recommendations intended to refine the means of enhanced protection at the top level in April, 2012.

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GAC Communiqué, Toronto, 17 October 2012 (extract)

GAC Advice to the Board

3. International Olympic Committee and Red Cross/Red Crescent

The GAC welcomes the ICANN Board's resolution on 13 September 2012, and agrees with the Board that protection for the second level should be in place before the delegation of the first new gTLDs. The GAC notes the GNSO's Drafting Team has recently posted a set of recommendations, which state that an expedited policy development process (PDP) is required. The GAC will seek clarification from the GNSO as to its rationale for initiating a PDP. In light of the legal basis for advancing protections for the IOC/Red Cross Names at the top and second levels, which include coverage under international legal instruments and under national laws in multiple jurisdictions, the GAC considers its advice on the matter to fall into the category of implementation rather than policy development.

2013

GAC Communiqué, Beijing, 11 April 2013 (extract)

4. International Olympic Committee and Red Cross /Red Crescent

Consistent with its previous communications,

The GAC advises the ICANN Board to:

- a. Amend the provisions in the new gTLD Registry Agreement Pertaining to the IOC/RCRC Names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.

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GAC Communiqué, Durban, 18 July 2013 (extract)

GAC Advice to the Board

5. Protection of Red Cross/Red Crescent Acronyms

The GAC advises the ICANN Board that

i. The same complementary cost neutral mechanisms to be worked out (as above in 4.c.i.) for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).

GAC Communiqué, Buenos Aires, 20 November 2013 (extract)

GAC Advice to the Board

6. Protection of Red Cross/Red Crescent Names

a. The GAC advises the ICANN Board:

i. that it is giving further consideration to the way in which existing protections should apply to the words “Red Cross”, “Red Crescent” and related designations at the top and second levels with specific regard to national Red Cross And Red Crescent entities; and that it will provide further advice to the Board on this.

2014

GAC Communiqué, Singapore, 27 March 2014 (extract)

9. Protection of Red Cross/Red Crescent Names

Referring to the previous advice that the GAC gave to the board to permanently protect from unauthorised use the terms associated with the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world.

I. The GAC advises that, for clarity, this should also include:

a. the 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin.

b. The full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations Languages.

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GAC Communiqué, London, 25 June 2014 (extract)

6. Protection of Red Cross / Red Crescent names

The GAC refers to its previous advice to the Board to protect permanently the terms and names associated with the Red Cross and Red Crescent Movement, including those related to the 189 national Red Cross and Red Crescent Societies and recalls that the protections afforded to the Red Cross and Red Crescent designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions. Accordingly,

a. The GAC now advises that:

I. the Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and that their protection could not therefore be adequately treated or addressed under ICANN's curative mechanisms for trademark protection;

- II. the protections due to the Red Cross and Red Crescent terms and names should not be subjected to, or conditioned upon, a policy development process;*
- III. the permanent protection of these terms and names should be confirmed and implemented as a matter of priority, including in particular the names of the international and national Red Cross and Red Crescent organisations.*

GAC Communiqué, Los Angeles, 15 October 2014 (extract)

6. Protection of Red Cross/Red Crescent Names

The GAC welcomes the decision of the New gTLD Program Committee (Resolution 2014.10.12.NG05) to provide temporary protections for the names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, and the 189 National Red Cross and Red Crescent Societies. The GAC requests the ICANN Board and all relevant parties to work quickly to resolve the longer term issues still outstanding.

2015

GAC Communiqué, Singapore, 11 February 2015 (extract)

3. Protection of Names and Acronyms for Red Cross/Red Crescent

The GAC welcomes the steps taken to implement the NGPC resolution adopted in Los Angeles on 12 October 2014. The GAC reiterates its advice to the Board to pursue its consultations in order to confirm permanent protection of the Red Cross and Red Crescent terms and names in the current and future new gTLD rounds.

GAC Communiqué, Dublin, 22 September 2015 (extract)

2. Future gTLD Rounds

a. The GAC advises the Board that:

i. before defining the modalities for future rounds, a rigorous assessment of all public policy related aspects of the current round should be undertaken, taking into account the advice given by the GAC on this subject since the beginning of the New gTLD process, including advice relating to community-wide engagement on the issues of communication to and access by developing countries and regions; and advice regarding past policy decisions taken by the Board to reserve the Red Cross and Red Crescent designations and names.

In this regard, the GAC expects that those elements of the current framework for new gTLDs that are considered appropriate by the GAC will remain and that the elements that are not considered satisfactory will be improved for subsequent rounds. [...]

2016

GAC Communiqué, Marrakesh, 9 March 2016 (extract)

Inter-constituency activity and community engagement [...]

2. Meeting with the Generic Names Supporting Organization (GNSO)

The GAC met with GNSO Council members [...]

The GAC recalled its previous advice to the ICANN Board that permanent protection of Red Cross, Red Crescent and Red Crystal designations and names should be implemented as soon as possible.

The GAC expects, therefore, that the current discussions involving the GNSO and ICANN staff will resolve the differences between GNSO policy recommendations and the GAC's advice on this matter.

GAC Communiqué, Helsinki, 30 June 2016 (extracts)

II. Inter-Constituency Activities & Community

1. Meeting with the Generic Name Supporting Organisation (GNSO)

The GAC met with the GNSO Council and discussed:

[...]

- The need to address outstanding issues concerning protections of names and acronyms of Inter-Governmental Organisations and of the Red Cross Red Crescent movement. [...]

V. Other Issues

[...]

4. Red Cross Red Crescent Red Crystal

The GAC noted that further consultations were being undertaken by the GNSO with the Board in order to resolve the remaining differences between the GNSO recommendations and the GAC's long-standing advice that the current provisional protection of Red Cross, Red Crescent and Red Crystal designations and identifiers should be made permanent in accordance with the distinct legal and policy grounds for such protection. The GAC urges the Board to reach a solution as soon as possible.

GAC Communiqué, Hyderabad, 8 November 2016 (extracts)

5. Protection of Red Cross/Red Crescent/Red Crystal Identifiers and Names of national committees

Referring to the GAC's previous advice to secure and confirm the permanent protection the Red Cross and Red Crescent designations and names based on public international law and on the national laws in force in multiple jurisdictions, the GAC recognizes and welcomes the goodwill and renewed understanding both within the Board and within the community that the protections due to the Red Cross, Red Crescent and Red Crystal identifiers require distinct treatment and resolution.

a. The GAC hence advises the Board, without further delay, to:

I. Request the GNSO Council, as a matter of urgency, to re-examine and revise its PDP recommendations pertaining to the protection of the names and identifiers of the respective international and national Red Cross and Red Crescent organizations which are not consistent with GAC advice; and in due course,

II. Confirm the protections of the Red Cross and Red Crescent names and identifiers as permanent.

RATIONALE

The GAC's consistent advice in this matter is based in the distinct legal protections accorded to the words and identifiers of the Red Cross and Red Crescent under universally agreed norms of public international law and the laws in force in multiple jurisdictions. It is also founded in the global public interest in preserving the names of the respective Red Cross and Red Crescent organizations from

abuse and fraud. The above grounds constitute the motivation for the GAC's request that the recommendations of the past GNSO PDP that are not consistent with past GAC advice be revised.

The GAC wishes to emphasize that this course of action will offer a clear signal, to the ICANN Community and to the States represented on the Government Advisory Committee, of ICANN's commitment to resolve differences arising among its constituencies and to do so with all due consideration and attention to public international law and to global public policy interests in accordance with the aforementioned legal regimes.

GAC Communiqué, Copenhagen, 15 March 2017 (extracts)

VI. GAC Consensus Advice to the Board

1. Protection of the Red Cross and Red Crescent designations and identifiers

Re-affirming previous GAC Advice for a permanent reservation of the Red Cross and Red Crescent designations and identifiers, the GAC acknowledges the conclusions of the facilitated dialogue held during ICANN 58 on resolving outstanding differences between the GAC's previous advice and the GNSO's past recommendations to the Board on the protections of the names and identifiers of the respective Red Cross and Red Crescent organizations.

Consistent with the conclusions of the abovementioned dialogue,

a. The GAC advises the ICANN Board to:

I. request the GNSO without delay to re-examine its 2013 recommendations pertaining to the protections of Red Cross and Red Crescent names and identifiers (defined as "Scope 2" names in the GNSO process) which were inconsistent with GAC Advice.

RATIONALE

The GAC acknowledges the outputs of the facilitated dialogue on this topic and requests the Board to proceed accordingly without delay.

GAC Communiqué, Johannesburg, 29 June 2017 (extracts)

V. Follow-up on previous advice and other issues

[...]

2. Red Cross Red Crescent Protections

The GAC welcomed the GNSO's re-convening of the Protection of IGO-INGO Identifiers in All gTLDs PDP Working Group in order to re-examine the recommendations on protections for Red Cross and Red Crescent identifiers following the most recent GAC advice in its Copenhagen Communiqué. GAC representatives look forward to contributing to its work accordingly.

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