

**COMPILATION OF GAC ADVICE AND OTHER GAC COMMUNICATIONS REGARDING PROTECTIONS FOR
THE RED CROSS**

Updated by ICANN staff (as of 15 August 2017)

I. Subsequent to the completion of the original IGO-INGO PDP (November 2013)

Johannesburg Communique (June 2017):

(NOTE: Text is from the section entitled “Follow Up on Previous Advice and Other Issues”)

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

Copenhagen Communique (March 2017):

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:

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.

Hyderabad Communique (Nov 2016):

Referring to the GAC’s previous advice to secure and confirm the permanent protection of 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.

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

- 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 difference 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 afore-mentioned legal regimes.

Singapore Communiqué (Feb 2015):

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.

Los Angeles Communiqué (Oct 2014):

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.

London Communiqué (June 2014):

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, including those relating to the 189 national Red Cross and Red Crescent societies, and recalls that the protections afforded to the Red Cross and Red Cross designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions.

Accordingly, 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.

Singapore Communiqué (March 2014):

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.

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.

Buenos Aires Communique (Nov 2013):

The GAC advises the ICANN Board 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.

II. Prior to completion of the original GNSO PDP in November 2013

Durban Communique (July 2013):

The GAC advises the ICANN Board that:

- 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).

Beijing Communique (April 2013):

Consistent with its previous communications, the GAC advises the ICANN Board to 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.

Toronto Communique (Oct 2012):

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 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 ...

Prague Communique (June 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 Cross/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.

Costa Rica Communique (March 2012):

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.

GAC Meeting with the GNSO in Helsinki (June 2016), as described in the Helsinki Communique:

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 Meeting with the GNSO in Marrakech (March 2016), as described in the Marrakech Communique:

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 Statement on Red Cross and International Olympic Movements (May 2011):

Adding "key words most directly associated with their Charters" would "provide the most appropriate form of protection of the global public interest invested in these two organisations. In both cases, there are existing protections in national law, in multiple jurisdictions, as well as coverage under an international instrument."

GAC Proposal to the GNSO (October 2011):

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.