



IPC Comments on the Proposed Implementation of GNSO Consensus Policy Recommendations for the Protection of IGO & INGO Identifiers in All gTLDs

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) welcomes the opportunity to comment on the Proposed Implementation of GNSO Consensus Policy Recommendations for the Protection of IGO & INGO Identifiers in All gTLDs.

IPC appreciates the work done so far by ICANN staff on this topic, and the open discussions during the meetings where ICANN has taken into considerable account inputs from participating representatives of IPC.

In this respect, IPC wishes to remind the reader that the intent of this implementation of Consensus Policy is to solve certain particular IGO & INGO related topics, namely:

- Red Cross, IOC and IGO Full Name Reservation at the Second-Level, and
- INGO Claims Services at the Second-Level

There are two other groups currently dealing with closely related but separate topics that also partly involve IGO and INGO Identifiers, which must be able and free to come to their own conclusions and recommendations on their topics, namely:

- GNSO-GAC Facilitated Dialogue on IGO & Red Cross Protections, and
- GNSO IGO-INGO Curative Rights Protections PDP WG.

IPC comments on specific topics:

Definitions

3.1. Reservation: The last sentence refers to "identifiers recorded on the Red Cross, IOC and IGO Identifier List", stating that it can be "found here:" Obviously, this sentence is missing a link. IPC presumes it is meant to be the same link correctly mentioned in "4.1. Reservation."

3.2, 3.3, and 3.4 only generally refer to the "INGO Identifier List", while 3.5 seems to be tasked with identifying the "INGO Identifier List". 3.5 should provide greater clarity on:

- who is responsible for creating and updating the said list,
- what requirements are made for an organization to be identified on that list,
- where the list can be found; and
- who will review and approve submissions to the list and the underlying requirements for submission.

Red Cross, IOC and IGO Full Name Reservation at the Second-Level

Although IPC agrees on the importance of protecting Red Cross entities, IOC entities and IGOs from misuse and false registrations of their names, there may also be examples of good faith registrations of domain names that are an exact match.

The proposed solution in 4.2, namely

"if a domain name, containing an exact match name from the Red Cross, IOC, and IGO Identifier List, is registered before this Consensus Policy effective date or before the label is added to the Red Cross, IOC and IGO Identifier List, the Registry Operator MUST permit renewal or transfer of the domain name. If a domain name, containing an exact match name from the Red Cross, IOC and IGO Identifier List, is registered before the label is added to the Red Cross, IOC and IGO Identifier List, and is subsequently deleted, the Registry Operator MUST withhold the domain name from registration or allocate the domain name to Registry Operator",

is therefore a decent "mid-way" proposal to solve the topic of how to deal with existing registrations in gTLDs. However, it could be argued that it would be more fair if good faith, non-infringing registrations by those with legitimate rights should be allowed at any time as a matter of course, possibly with review and non-objection by the Red Cross, IOC or IGO entity.

INGO Claims Services at the Second-Level

IPC notes, and accept, the similarities with the proposed INGO Claims Services and the current "Claims Period" of the Trademark Clearinghouse.

Referring to these similarities, IPC would like to note that it may be necessary to review the proposed INGO Claims Service period if the Claims Period related to the Trademark Clearinghouse is changed, a topic that is right dealt with by the separate Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group.

Appendix A and B

IPC supports the proposed "INGO Claims Notification displayed to Potential Domain Name Registrant", and "INGO Notice of Registered Name sent to Protected Organization", as they are clear and identify the topic, risks and possibilities for both parties.

Respectfully Submitted,

Intellectual Property Constituency