

December 9, 2010

Via Email:

Re: Comments from on the Proposed Final Applicant Guidebook

Dear Mr. Beckstrom, Mr. Dengate-Thrush and the ICANN Board of Directors:

We thank you for the opportunity to provide comments to the Internet Corporation for Assigned Names and Numbers ("ICANN") on the proposed Final Applicant Guidebook ("AGB") for the new gTLD Program on behalf of the American Red Cross. I am an employee of the American Red Cross ("Red Cross"), a not for profit philanthropic organization and one of approximately 180 member national societies of the International Federation of Red Cross and Red Crescent Societies. Red Cross hopes ICANN will take all necessary steps to ensure the expansion of new gTLDs in the DNS is performed in a responsible manner and carefully executed to protect the interests of the Community, including those who use the DNS to further important humanitarian and social objectives.

I. Introduction

Since its founding in 1881 by visionary leader Clara Barton, Red Cross has been the premier emergency response organization in the United States, devoted to aiding victims of natural disasters and to other critical public services such as processing and distributing lifesaving blood and blood products and presenting educational programs that promote health and safety. As you know, not-for-profit organizations such as Red Cross, rely upon the Internet to communicate with the public about their mission and services, to distribute educational, informational and lifesaving information to members of their communities, and to collect donations to support their operations. As such, Red Cross greatly depends upon the Internet offering a reliable, secure and safe DNS environment in which to conduct these mission-critical activities.

II. Red Cross Requests that ICANN add the term RED CROSS, RED CRESCENT AND RED CRYSTAL to a reserved names lists

The International Committee of the Red Cross ("ICRC"), the approximate 180 National Societies of the Movement (including like the American Red Cross) and the International Federation, all form the International Red Cross and Red Crescent Movement (the "Movement").

The work of the Movement is subject to a mandate derived from the 1949 Geneva Conventions and from the Statutes of the Movement. Consistent with this directive, the terms "red cross", "red crescent" and "red crystal" and their corresponding emblems, provide protection for military medical services and relief workers in armed conflicts and are used by National Societies of the Movement in each country for identification and organizational purposes to execute their missions. The Geneva Conventions¹ govern use of these terms and emblems, including the following Conventions and protocols:

- First Convention, Arts 36, 39, 40, 41, 42, 44, 53 and 54; Annex I, Art. 6; and Annex II;
- Second Convention, Arts 39, 41, 42, 43, 44 and 45; Annex I;~
- Fourth Convention, Arts 18, 20, 21, 22 and 56; Annex I, Art. 6; ~ Protocol I, Arts 8, 18, 23, 38 and 85; Annex I; ~ Protocol II, Art. 12.

¹ See <http://www.icrc.org/eng/resources/documents/misc/emblem-ihl-011108.htm>

In addition, the governments of the National Societies of the Movement have enacted legislation to give effect to the Conventions and the additional Protocols to those Conventions, protecting the terms and emblems of the Movement². For example, in the United States, Congress enacted two criminal statutes, 18 U.S.C. §§ 706 and 917, and provided specific protection for Red Cross in the Anticybersquatting Consumer Protection Act ("ACPA"), § 43(c), 15 U.S.C. 1125(c), protecting "red cross" and the emblem from unauthorized use. These statutes are designed to protect the goodwill of the Movement in the United States, and thereby, the health and safety of the worldwide community. I have attached a representative listing of the relevant legislation from National Societies in the Movement for your reference.

The humanitarian and lifesaving mission and activities of the Movement are important and recognized around the world. In light of the treaty protections and legislation outlined above and with due consideration to the important work of the Movement, Red Cross requests that the Board include the terms RED CROSS, RED CRESCENT and RED CRYSTAL (and any other terms that may be later protected by treaty or legislation) to:

- 1) The globally recognized reserved names list, referenced in relevant sections of the Guidebook, including, Section 2.2.1.2;
- 2) The globally recognized second-level reserved names list provided in Specification 5 of the Registry Agreement;
- 3) Instruct Staff to work with ICANN's Trademark Clearinghouse Service Provider(s) and not-for-profit organizations/NGOs to develop a reasonable system for adding the names of not-for-profit organizations/NGOs, as well as the trademarks owned by these organizations, into the Trademark Clearinghouse databases described in appropriate sections of the Guidebook.

III. Red Cross Supports the Comments of NPOC

The Red Cross supports the comments submitted by the members of the proposed Not-for-Profit Organizations Constituency ("NPOC"). Specifically, the NPOC raised the following concerns and provided the following recommendations:

- 1) The Board should instruct the appropriate ICANN staff ("Staff") to initiate the Applicant Support Development Program.
- 2) The Board should instruct Staff to establish an evaluation fee/application fee that is appropriate for not-for-profit organizations/NGOs.
- 3) The Board should consider requesting an Issues Report on the feasibility of adding the names of not-for-profit organizations/NGOs to the Reserved Names List.
- 4) The Board should require its selected Dispute Resolution Service Providers to provide reduced fees for not-for-profit organizations/NGOs for all steps of the New gTLD Dispute Resolution Procedures that incur fees.
- 5) The Board should instruct Staff to reconsider the impact of the auction procedure on not-for-profit organizations/NGOs.
- 6) The Board should instruct Staff and the approved Trademark Clearinghouse Service Provider(s) contracted by ICANN to add the names of not-for-profit organizations/NGOs and any trademarks owned by not-for-profit organizations/NGOs into the Trademark Clearinghouse databases without a fee.
- 7) The Board should encourage the URS Provider to provide discounted fees for complaints brought by verified not-for-profit organizations/NGOs.
- 8) The Board should instruct Staff to target outreach about the new gTLD Program to not-for-profit organizations/NGOs.

Red Cross requests that the ICANN Board consider these recommendations and direct Staff to make corresponding changes to the Guidebook and all relevant documents consistent with these recommendations.

² See a partial listing at <http://www.icrc.org/ihl-nat>

VI. Conclusion

Thank you for considering our comments on these important issues relating to the AGB. We welcome further discussions about the above and are available should you have any questions regarding our requests and recommendations.

Sincerely,

/Debra Y. Hughes/

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