I am a Senior Counsel with the Multilateral Investment Guarantee Agency (“MIGA”), a member of the World Bank Group. MIGA is an international organization established under the Convention Establishing the Multilateral Investment Guarantee Agency which came into effect on April 12, 1988.

MIGA is the political risk insurance arm of the World Bank Group and its mission is to promote foreign direct investment (FDI) into developing countries to help support economic growth, reduce poverty, and improve people's lives. MIGA’s operational strategy plays to our foremost strength in the marketplace—attracting investors and private insurers into difficult operating environments. We focus on insuring investments in the areas where we can make the greatest difference.

We concur with our colleagues at the International Bank for Reconstruction and Development and the International Finance Corporation that the recent GNSO recommendations fail properly to take into account public policy concerns, the unique status and needs of IGOs under international law, and in my understanding, longstanding and repeated GAC advice to ICANN. These recommendations, while accepting preventative protections for full names at both the top and second levels, do not grant such protections for IGO acronyms. The recommendation does not take into consideration that many if not most IGOs are known by both their acronyms and full names. UNICEF, and the UN itself, as well as MIGA, are well-known examples of such commonly-known acronyms. As a result, abuse and fraud in connection with these acronyms is a significant risk to the public mission of these IGOs. The need for preventative protection of IGO acronyms at both levels, in addition to protection for full names, therefore is evident.

In the event that ICANN declines to follow consistent GAC advice to the Board to also ensure preventative protections to IGO acronyms, then the proposals made by the GNSO Council to provide access to the Trademark Clearinghouse do not offer adequate protection. Simply allowing IGOs access to the existing Clearinghouse or dispute resolution fora for their acronyms does not meaningfully reduce the risks posed to IGOs in the gTLD program. In fact, for various reasons (immunities, lack of financial resources, etc.) not all IGOs have registered their names or acronyms as trademarks under national laws. At a minimum, the Trademark Clearinghouse should extend its current scope of protection to the IGO names and acronyms listed on the GAC's "IGO List dated 22/03/2013". Such protection would need to be granted for up to two official or working languages per IGO, and regardless of whether the name and acronym are registered as trademarks in certain countries or not. In other words, no further clearance of these acronyms should be required, and no registration or annual fee should be charged for the inclusion of IGO acronyms in the Clearinghouse.

I appreciate your consideration of this matter.

Very truly yours,

Shamali F. De Silva

Senior Counsel, MIGA