**IGO-INGO PDP WG RySG Recommendations 20 April 2013**

This document contains the gTLD Registries Stakeholder Group policy recommendations to the IGO-INGO PDP WG along with the rationale for the recommendations.

**Assumptions**

Using the GNSO recommendations on new gTLDs and positions previously supported by the RySG as an initial foundation and considering the IOC/RCRC DT & IGO-INGO PDP WG work to date, the RySG recommendations are based on the following assumptions.

Primary Assumptions

1. Reserved names should be kept to a minimum so as to not excessively favor any particular interests.
2. User confusion should be prevented as much as possible.
3. Special protection for any names should be based on objective criteria that are readily measurable.
4. If it is decided to recommend special protections for any class of organizations, efforts should be made to avoid setting precedents that would open the door for others to request similar treatment.

Other Assumptions

1. It would be beneficial if the GNSO could improve its working relationship with the GAC.
2. The rationale for providing protection for any category of names should be based on some defendable criteria such as international treaties, national laws in multiple jurisdictions, GAC advice, GNSO consensus criteria, etc., or some combination of these.
3. Predictability for registries, registrars, registrants & users is an important principle with regard to protection of names in the DNS.
4. The ICANN General Counsel response to the IGO-INGO PDP WG request provided evidence that International treaties and national laws are not definitive and consistent enough to serve as an objective basis for GNSO policy.
5. There is a high probability that acronyms of protected organization names would be identical to acronyms for non-protected organization names (commercial & noncommercial) that might actually be more readily recognizable to a greater number of people than those for the protected organizations.

**RySG Policy Recommendations**

1. As a basis for possible protection of full names:
	1. Use the GAC lists of full names for the IOC & RCRC at the top and second levels
	2. Use the GAC list of full IGO names (those eligible for inclusion in the .int list) at the top and second levels
2. Require applicable IGOs to apply for protection of their full names at the top and/or second levels prior to finalizing the list of qualifying organizations that would receive protection
3. As a basis for possible protection of acronyms of IOC, RCRC and IGO names, modify new gTLD rights protection mechanisms (TM Clearinghouse, URS & UDRP) as applicable to include acronyms of the protected names from a. above so that such acronyms could be included in both sunrise and claims processes in the same way as trademarks in the TMCH.
4. Provide an exception process whereby an organization not covered by any protections but having legitimate rights could apply for a protected name
5. Allow protected organizations to apply for their names at the top level and/or second levels
6. Modify the TMCH to include protected organization full names.

**Rationale**

1. The total number of protected names would be limited to fixed lists of names.
2. Confusion by Internet users would be reduced with regard to the protected organizations.
3. Using fixed lists of protected names will make the process very objective and measurable.
4. The only way that other organizations could gain protection under such a policy would be to demonstrate they qualify for one of the lists and obtain GAC approval so it seems like there is minimal chance that excessive precedents for expanding the number of protected names would be set.
5. Accepting GAC recommendations with regard to the IOC/RC and IGOs would clearly demonstrate to the GAC that the GNSO respects its advice and was willing to thoroughly test that advice against important GNSO principles including those included in the new gTLD recommendations.
6. This approach can be defended in this way: a) it is based on advice received from the GAC; and b) it is consistent with most principles in the new gTLD policy recommendation, in particular with regard to rights protection, objectivity, and minimizing user confusion.
7. Using clearly defined lists of protected names would be easy to implement for registries & registrars, would make compliance enforcement easier, and would create a transparent process that registrants and users could readily understand; in other words, it would provide for a very predictable environment for all, one that would not vary from jurisdiction to jurisdiction or on a case by case basis.
8. There is no evidence in the General Counsel response that there is any legal basis for providing protection for INGO names; the IOC and RCRC are unique in qualifying for protection for special reasons.
9. Providing automatic protection for acronyms of protected organizations is not recommended because it would prevent many other legitimate organizations from registering acronyms of their names. In many cases these are more widely recognized in their communities than the acronyms of the protected organizations.

**Conclusion**

The RySG believes that its recommendations could provide reasonable policy recommendations for the GNSO as a whole and could provide a way to bring the work of the IGO-INGO PDP WG to closure in the near term. This would close another hole in the registry agreement in the new gTLD Applicant Guidebook and would also allow the GNSO to finalize its responses to GAC requests that have been outstanding for some time.

Our representatives on the WG are ready and willing to answer any questions that the WG may have and to work constructively toward the completion of its tasks.