At this point of Working Group (WG) deliberations, essentially three outcomes are available to the WG for bringing closure to the issue on protecting IGO-INGO identifiers. The three possible outcomes are primarily driven essentially by two divergent positions:

1. stakeholders that do not believe that any special protections should be afforded because existing RPMs are adequate, or
2. stakeholders that request permanent protections at both the top and second levels to also include an exception process where protected organization may wish to register their respective identifier

**Outcome #1:**

No consensus is achieved by the Working Group leaving only what the ICANN Board has posted in the following resolutions:

* first and second level protections for the IOC and Red Cross/Red Crescent names listed in section 2.2.1.2.3 of the Applicant Guidebook by inclusion on a Reserved Names List applicable in all new gTLD registries approved in the first round of the New gTLD Program.
* second level protections for certain IGO names and acronyms by inclusion on a Reserved Names List in section 2.2.1.2.3 of the Applicant Guidebook, applicable in all new gTLD registries approved in the first round of the New gTLD Program. The specific IGO names to be protected shall be those names or acronyms that: 1) qualify under the current existing criteria to register a domain name in the .int gTLD; and 2) have a registered .int domain OR a determination of eligibility under the .int criteria; and 3) apply to ICANN to be listed on the reserved names list for the second level prior to the delegation of any new gTLDs by no later than 28 February 2013.

This outcome only provides protections of identifiers at the first and second level domains for the first round only of the new gTLD program thus requiring this issue to be considered via policy development for future gTLD rounds. The WG may consider this outcome as a chance to review harms or abusive registrations to provide further evidence of harm before granting any protections for future rounds of gTLDs (evidence criteria should be developed).

Because the first round gTLD applications have already been filed, no additional actions are necessary. However, second level protections of IGO-INGO names remain in force.

The protected identifiers (to be determined how qualified) will be placed on the Reserved Names with the only available exception process being the established Registry Services Evaluation Process (RSEP). If the protected organizations wish to register their respective second level names, it will require the removal of the name from the Reserved Names list for the particular gTLD of choice. It will require collaboration with the designated Registry Operator to submit a request via the RSEP process that may not be as flexible or a suitable method for granting said exceptions.

Lastly, this outcome does not accommodate two potential gaps. The reservation if IGO acronyms may prevent potential legitimate use registrations of second level domains names. The second gap is that the current resolution does not mention protections of INGOs.

**Outcome #2a:**

The WG achieves consensus that no special protections should be granted or implemented; to include recommendations that remove the temporary protections granted to IOC, RCRC, and IGO organizations for the first round of new gTLDs resolved by the ICANN Board.

**Outcome #2b:**

This outcome is a derivative of outcome #1 building on what the ICANN Board has implemented except the WG achieves consensus on permanent protections of identifiers at the first and second levels for future gTLD rounds. This consensus position would also include certain INGO organizations.

Listing of the protected identifiers will still be populated on the Reserved Names list. Therefore, if a protected organization desired to register their top-level domain, the only exception process vehicle will likely require policy development to remove the names from the Applicant Guidebook (section 2.2.1.2.3) for future gTLD rounds. As listed in Outcome #1, the RSEP is the only available avenue for a protected organization to remove their respective identifier from the target gTLD in which they wish to register. Lastly, this outcome will also require some form of qualification criteria (see table bottom of document) recommendation(s), perhaps more extensive than what the ICANN Board has resolved to date.

**Outcome #2c:**

This is a placeholder for a proposal currently under deliberation within the RySG. The RySG is continuing its position on special protections supporting the prior drafting team outcome protecting the IOC and the Red Cross but no other organizations. In other words, support for the Board position on the top level and the drafting team position on second level.

http://gnso.icann.org/en/issues/ioc-rcrc-recommendations-28sep12-en.pdf

**Outcome #2d:**

This is a placeholder for a proposal suggested by Avri Doria. Voluntary locking vs. ICANN enforced blocking. In summary, no identifiers will be placed on the Reserved Names List. A list of organizational identifiers will be recommended and invite every registry to implement protections of their choice and encourage them to do so where if Registries were to create additional reserved names lists specific to that registry and not require an RSEP if a protected organization chose to register their respective identifier. It would require whatever registry process the registry itself creates. To date, there are all sorts of reserved named lists that they're creating because of GAC comments, or because of other comments. Long lists of names that those registries voluntarily say they will not register. As what Sam said before of every registry, every registrar has an obligation essentially to create that sort of extra list on itself but how something would come off that would be up to the registry and/or registrar.

**Outcome #3:**

The following tables form a proposal for an outcome that intends to find compromise of the two competing positions in hopes of satisfying the protection needs of the four categories of IGO-INGO organizations while leveraging, where possible, existing solutions. It also attempts to strike a balance to mitigate permanent blocks of names where legitimate use may be possible.

| **Top-Level Identifier Protection Recommendations** | **Rationale** |
| --- | --- |
| 1) No additional top-level protections will be created (i.e. identifiers will not be added to the Reserved Names list per Specification 6 of the proposed Registry Agreement) | Existing objection procedures appear to be adequate to protect IGO-INGO identifiers. This is evidenced by the current applications for new gTLDs in that no entity applied for a string that infringes on any of the IGO-INGO organizations. Further, addition of identifiers to the Reserved Names list would prevent said organizations from applying for their own top-level domain in the future if they should choose to do so (or in so much as having to utilize consensus policy to amend future applicant guidebooks). Lastly, implementation of additional top-level protections may infringe on possible legitimate use by other organizations and perhaps encroach upon issues of free-speech.  While no applications infringed on IGO-INGO identifiers in the present gTLD round, this is not to assume that the threat cannot exist in future rounds, see recommendations #2 and #3. |
| 2) IGO-INGO organizations, based on qualification criteria in recommendation X, shall be granted equivalent standing similar to the GAC and the ALAC for filing objections in the applications for future gTLDs | The GAC and ALAC have standing to object to any top-level domain application via the stated objection processes and without incurring objection fees. Given cost issues and diversion of funds from IGO-INGO organizations serving the public interest, granting similar standing will provide these organizations with the ability to object/defend their identifiers without preventing an application for similar strings with potential legitimate use. |
| 3) Conduct review of existing top-level Dispute Resolution processes and modify as necessary to accommodate deficiencies, if any, for protection of IGO-INGO identifiers | A critical component for the new gTLD program and future application rounds is an Affirmation of Commitments review to determine the success of the new gTLD program. In essence two reviews will be conducted. The first is to review how the new gTLD program promoted consumer trust, consumer choice, and competition. The second review focuses on the new gTLD application process and all components from application processing through to delegation. These future review teams should consider, after thorough review of objection procedures and dispute resolution procedures, whether IGO-INGO names qualify for use of the procedures or if they could be dis-advantaged when engaged in the procedure. Any discrepancies identified should force changes to the existing objections framework. |

| **2nd-Level Identifier Protection Recommendations** | **Rationale** |
| --- | --- |
| 4) 2nd-level identifiers of IGO-INGO names will not be added to the Reserved Names list per Specification 6 of the proposed Registry Agreement | Placement of identifiers on the Reserved Names list is not a flexible instrument for organizations seeking protection if they wish to register a name. The removal of a name from the Reserved Names list can only be performed via the RSEP process, which can be burdensome and demand considerable resources. Further, placement of the identifiers on the reserved names list may also prevent the registration of a domain name that may have legitimate use of the protected name. The following recommendations seek to provide a framework for protection of IGO-INGO identifiers that will simulate a permanent protection by gate-keeping the registration of domain names of said identifiers similar to framework of the Trademark Clearing House and its supporting processes. |
| 5) Modify the Trademark Clearinghouse (TMCH) central repository for use by IGO-INGO organizations, based on qualification criteria in recommendation X | Requirements to post IGO-INGO identifiers to a central repository are similar to the requirements for traditional trademark identifier deposits into the TMCH. Therefore, it should be possible to leverage the existing implementation to for the protection if IGO-INGO identifiers. Requirements analysis will be required to ensure seamless implementation. |
| 6) Make free or reduce pricing for registering into the TMCH the identifiers of IGO-INGO organizations, based on qualification criteria in recommendation X | This recommendation is dependent on Recommendation #5. An issue shared among all IGO-INGO organizations is costs associated with curative protections of names. Primarily, the pursuit of this activity diverts funds used in serving the global public interest where funds are derived from taxes collected by governments or donations. |
| 7) Allow IGO-INGO organizations, based on qualification criteria in recommendation X, access to new gTLD Sunrise activities as they become delegated | If IGO-INGO protected organization wished to utilize a specific identifier within a given new gTLDs, access to the Sunrise process & listing within the TMCH will provide them the capability of registering the name prior to general availability. |
| 8) Allow IGO-INGO organizations, based on qualification criteria in recommendation X, access to [permanent or 90 days] Trademark Claims of new gTLDs delegated | After in-scope identifiers of IGO-INGO names are entered into the TMCH, the Trademarks Claims process will be used to inform IGO-INGO organizations and “gate-keep” the registration of said names (see recommendations #9 on an exception procedure). In essence this provides a permanent protection of identifiers without having to list said identifier on the Reserved Names List. However, one difference with this recommendation versus the traditional TM Claims 90 day service is that it will never expire.  Or  Trademark Claims only follows the defined 90 day claims duration. If recommended, recommendation #9 becomes void. |
| 9) Create a registration exception procedure for IGO-INGO permanent Trademark Claims where legitimate use of domain may exist if it becomes applied for. | Initial research in the registration and use of IGO-INGO identifiers within existing gTLDs revealed that legitimate use of like identifiers is possible. If permanent protections for IGO-INGO identifiers were granted and a third party attempted to register a name, a process will be required to examine the intent of legitimate use and if approved, the name could be registered. An entity external to the protected IGO-INGO organization and to ICANN should be established to legislate this exception procedure.  If recommendation #8 only defines the 90 Claims period, this recommendation will be removed. |
| 10) Review and modify where necessary the curative rights protections of the URS and UDRP such that IGO-INGO organizations, based on qualification criteria in recommendation X, have access to these curative rights protections. This set of recommendations could include pricing/cost conciderations for IGO-INGO organizations. | Direct match registrations of identifiers are only one aspect in the protection of identifiers. Often the malicious registration of keywords+identifiers, typosquats, or other generic phrase combinations are popular among registrants with bad-faith intent. Access to curative Rights Protection Mechanisms can provide IGO-INGO organizations a comprehensive package for the protection of bad-faith registrations. Formal changes to the URS and UDRP are beyond the scope of the IGO-INGO WG.  However, a series of proposed changes could be supplied to the future RPM WG to help inform their deliberations. Such modifications could include:   * Access to URS and UDRP despite having Trademark registrations within a jurisdiction or not * Adjustments in price for filing URS/UDRP * [others] |

| **Qualification Criteria Recommendations** | **Rationale** |
| --- | --- |
| 11) TBD |  |
| 12) |  |
| 13) |  |