**Red Cross Red Crescent Societies**

**Minority Position on the**

**Protection of IGO and INGO Identifiers in All gTLDs**

**Policy Development Process**

**STATUS OF THIS DOCUMENT**

This is the Minority Position Statement for Final Report on the Protection of IGO and INGO Identifiers in all gTLDs, prepared by the Red Cross Red Crescent Societies (RCRC).

**3.9.1 International Red Cross and Red Crescent Movement:**

Minority Position of the International Red Cross and Red Crescent Movement

Submitted on 20 September 2013

The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the 189 National Red Cross and Red Crescent Societies (hereafter the “Movement”) provide this “minority position” to the soon to be released IGO/INGO Report. After several months of fruitful discussions within the Working Group, in which several representatives of the Movement have been active and regular participants, the recommendations and level of support identified in the IGO/INGO Report do not reflect the legal protections accorded to the Red Cross and Red Crescent and related designations and names under universally recognised international treaties (the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005) and under the domestic law in force in multiple national jurisdictions.

This “minority position” assesses the recommendations listed in the IGO/INGO Report and provides further clarification to complement previous comments and submissions made throughout the GNSO PDP Working Group process.

IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 1 and 5: We support these recommendations, as they make permanent the temporary reservations of the Red Cross and Red Crescent designations at the top and second levels, as previously confirmed by ICANN's Board, and as set out in the Applicant Guidebook and in Annex 5 to the revised Registry Agreement.

IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 4 and 8: We support these recommendations, as we believe they would effectively place the Red Cross and Red Crescent designations that are covered in Recommendations 1 and 5 on a “Modified Reserved Names List”. This would preserve the entitlement of Movement components to register relevant domain names should they require to do so in the future.

IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 2, 3, 6, and 7 that did not achieve a level of consensus: The Movement repeats its position made throughout the WG process that Recommendations 2, 3, 6, and 7 should be granted. We appreciate the work produced by the WG, but nonetheless maintain that the existing protections, as currently defined in the Applicant Guidebook and in Specification 5 of the revised Registry Agreement, are not sufficient and should be made to expressly extend to the “Scope 2” names or identifiers as set forth in Recommendations 2, 3, 6, and 7.

Further to discussions and conversations held in Durban, we have reduced our asks with the hope that this will facilitate approval and implementation of the protections that are called for. These are also set forth in our most recent Public Comment of 17 July. The Movement hence requests that the following names also benefit from permanent protection as outlined for Scope 1 Red Cross and Red Crescent designations and names, and as further stated below:

the names (official and usual) of the 189 National Red Cross and Red Crescent Societies in English and in the respective national languages of the National Society concerned;

the names of the International Committee of the Red Cross and International Federation of Red Crescent Societies in the six UN languages;

the acronyms (initials) of the two international organizations within the Movement, namely the International Committee of the Red Cross (ICRC/CICR/CICV/MKKK) and the International Federation of Red Cross and Red Crescent Societies (IFRC / FICR / МФКК).

Confirmation is hence sought that these designations be permanently protected from top and second level registration in the current round and in all future rounds of application. Our request is based on international law and the domestic law in force in multiple jurisdictions. It conforms to the universally approved requirements of the 1949 Geneva Conventions and their Additional Protocols, which specifically protect the Red Cross and Red Crescent designations in both their protective function (as the designations of the protective emblems in times of armed conflict) and indicative function (to indicate a link to the Movement or any of its components).

Defining the protections to cover only the designations per se (“red cross”, “red crescent” or “red crystal”) and not the names of the organizations (e.g. “British Red Cross”, “Croix-Rouge française”, or “Afghan Red Crescent”) would fail the requirements of international law and of the laws in force in multiple jurisdictions, which protect the designations at all times. It would also defeat the global public interest in preserving the names of the respective Red Cross and Red Crescent organizations from misuse, including fraud (a major risk, as witnessed in recent disasters during which websites were frequently and notoriously set up to divert donations to Red Cross and Red Crescent operations in favour of affected persons and communities). The adjectives composing the names of National Red Cross or Red Crescent Societies and indicating the latter's national affiliation (e.g. the word American in the name American Red Cross) cannot be considered as a simple pre- or suffix. These form a full-fledged part of the names of the respective National Red Cross and Red Crescent Societies. It is noted in this regard that, under the 1991 Regulations on the use of the emblem by National Red Cross or Red Crescent Societies which have been adopted and approved by States, National Societies are required to use their full name for the purposes of identification.

The request to protect not only the designations per se, but also the names of the respective Red Cross and Red Crescent organizations is also consistent with the objective and scope of the WG and the latter’s mandate to consider the names and identifiers of relevant organizations.

IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 9, 10, and 11: The TMCH does not provide sufficient relief to the Movement and can not constitute an adequate substitute to Recommendations 2, 3, 6 and 7 mentioned above. Recommendations 9, 10 and 11 only offer a time-bound early warning and stop short of offering effective and cost neutral relief for the “Scope 2” (Red Cross and Red Crescent) identifiers. In addition, as the Movement has consistently put forward in its successive submissions to the process over the past two years, requiring the Red Cross or Red Crescent organisations to activate the remedies foreseen in the above recommendations would constitute a considerable burden on the Movement in both financial and human terms.

In conclusion, we respectively request that the GNSO also adopt Recommendations 2, 3, 6, and 7.

We remain available to provide any further clarification on the above.

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