

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).

**Minority Statement
of the International Red Cross and Red Crescent Movement¹**

**on the Final Report on the Protection of IGO and INGO Identifiers in all gTLDs
Policy Development process**

Submitted on 7 November 2013

(1) **Introduction:** 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 Statement 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. It notably expresses the dissent and regret of the respective Red Cross and Red Crescent organizations that the Working Group could not reach consensus on the extension of the permanent protections accorded to the designations of the emblems to the names of the respective components of the Movement (namely the names of the 189 National Red Cross and Red Crescent Societies, of the International Committee of the Red Cross (ICRC) and of the International Federation of Red Cross and Red Crescent Societies (IFRC).

(2) ***Red Cross and Red Crescent position on the respective Final IGO/INGO Report's recommendations:***

- IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 1 and 3 in Section 3.1: 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 2 and 4 in Section 3.1: We support these recommendations, as they would effectively place the Red

¹ See also the Summary of the Red Cross and Red Crescent position in the core of the Final Report, pages 64-65.

Cross and Red Crescent designations that are covered in Recommendations 1 and 3 on a “Modified Reserved Names List” and 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 5, 6, 7 and 8. The Movement repeats its position that the preventive protection mechanisms foreseen under these recommendations (namely the Trademark Clearinghouse) are insufficient in order to fully protect the names or identifiers of the respective Red Cross and Red Crescent organizations. The Trademark Clearinghouse does not provide sufficient relief to the Movement and can not constitute an adequate substitute to an extension of the protections to “Scope 2” (Red Cross and Red Crescent) identifiers. Recommendations 5, 6, 7 and 8 only offer a time-bound early warning and stop short of offering effective and cost neutral relief for the Scope 2 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 organizations to activate the remedies foreseen in the above recommendations would constitute a considerable burden on the Movement in both financial and human terms. The Movement maintains that the same protections afforded to the designations covered under Recommendations 1, 2, 3 and 4 should be extended to the names and identifiers of the respective Red Cross and Red Crescent organizations.

(3) ***Remaining request of the Red Cross and Red Crescent organisations***

It is noted with regret that the proposed recommendations of the Working Group to extend the top and second level protections to the exact match full names and identifiers of the respective Red Cross and Red Crescent organizations (as defined in the Working Group's so-called Scope 2 names or identifiers), as highlighted in Section 3.6 (Red Cross and Red Crescent Movement) of the IGO/INGO Report, did not reach a consensus level of support.

We hence maintain our longstanding understanding and request that the existing protections be duly extended to Scope 2 names, including in particular:

- 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 Cross and 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).

In line with our most recent Public Comment submitted on 17 July 2013 and the Public Comment provided by over 35 National Red Cross and Red Crescent Societies in different regions of the world on 1 November 2013, confirmation is hence sought that these designations be permanently protected from top and second level registration in the current and in all future application rounds. 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.

Conclusion:

In light of the above, we respectively request that the GNSO

- adopt Recommendations 1, 2 , 3 and 4 on the International Red Cross and Red Crescent Movement and highlighted in Section 3.1 of the Final Report..
- confirm the unsupported Recommendations 1, 2, 3 and 4 highlighted on in Section 3.6 (Red Cross Red Crescent Movement) of the IGO/INGO Report.

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

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