

International Governmental Organization Coalition 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 coalition for International Government Organizations (IGO).

Minority Statement on the GNSO IGO-INGO PDP Working Group Recommendations

This statement is being made on behalf of a consortium of over 40 Public International Organizations and 15 United Nations Funds and Programs (together, IGOs).

With regard to the question of the principle and extent of any envisaged protection for certain non-governmental entities, even if of comparative relevance to IGO protection, IGOs will not provide additional observations on this question in the more limited context of the present document.

Effective protection for IGO identifiers remains a critical priority for our organizations in the exercise of our public mandate.

IGOs have been actively engaged in good faith with diverse ICANN bodies and advisory committees, including with the PDP Working Group, on the issue of obtaining necessary preventative protections for IGO identifiers (names and acronyms) at the top and second level. IGOs have provided extensive documentation and comments to inform and facilitate the various processes, including this PDP. The PDP Working Group has been informed of IGO views on many occasions via its IGO delegates (UPU, WIPO and OECD).

The PDP Working Group has now reached the point where members of the Working Group have been asked to make responses to selected recommendations on the issue of IGO and INGO protections. As a preliminary observation, the IGO coalition wishes to express three concerns about this approach.

First, the structure of the recommendation matrix is such that it presents recommendations in separate components. This creates the risk that comments made or support indicated may be read out of context to apply only to an individual component, rather than the broader combination thereof.

Second, as indicated above, the IGOs participating in this Working Group represent a broad consortium of Public International Organizations and United Nations Funds and Programs. Through their membership of governments and through their activities, these in turn represent a global scope of stakeholders in recognized public causes. In light of this, should IGOs remain alone in items of opposition, such opposition should not be masked by a qualifier of “consensus” (as defined on ICANN’s scale as “a position where only a small minority disagrees, but most agree”). A far more accurate description of such scenario on ICANN’s scale would be

“strong support but significant opposition”. We trust that the Working Group’s leadership will work to avoid any misrepresentations in this regard.

Third, IGOs are concerned that the presentation of the recommendation matrix, with a final page of “Recommendations Not Receiving Adequate Support For All Organizations”, may result in the latter recommendations not receiving equal weight in the presentation of outcomes. Although naturally not every potential recommendation could be included, the IGO’s position is of fundamental relevance to the issue of IGO protection. This is all the more so when the need to provide preventative protection to IGO names and acronyms in new gTLDs, at both the top level in future rounds and the second level in all rounds, has unequivocally been recognized by ICANN’s Governmental Advisory Committee (GAC) as a matter of global public policy.

IGOs are extremely concerned that the recommendations proposed by the PDP Working Group to the GNSO Council are not fully in line with such GAC advice, which has been accepted by the Board, subject to clarification of certain implementation issues for second level protection of acronyms on which a dialogue is currently in progress.

In particular, IGOs are vehemently opposed to any recommendations which propose protections for IGO full names, but not acronyms. As already expressed on many occasions, the majority of IGOs are best-known by their acronyms and it is these which have suffered and will time and again suffer misuse in the DNS. Therefore a proposal to protect full names only would practically equate to proposing no protection at all. Such an unreasonable proposal would not only disregard GAC advice, international treaties and national laws, but also defy reality and common sense. Furthermore, any acronym protection that would not be preventative would ignore the legal status of IGOs as distinct from other entities, and would merely put IGOs in the position of being informed as to any prospective or actual abuse, without a far more appropriate option to prevent such abuse in the first place.

The enclosed IGO Common Consolidated Position Paper, which was addressed to the Chairs of the ICANN Board, New gTLD Program Committee, Governmental Advisory Committee, and President and CEO, as well as to the PDP Working Group during the public consultation process, summarizes the essential considerations for the protection for IGO identifiers. We refer all interested parties to this document.

Sincerely yours,

(OECD) (WIPO) (UPU)

On behalf of the IGO Coalition