

August 6, 2013

Joint ISO-IEC Comment on the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs

This serves as a joint comment on behalf of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) with respect to the Initial Report on the Protection of IGO and INGO Identifiers in All gTLDs.

ISO and IEC are non-profit international non-governmental organizations (INGOs) that develop and publish international standards. Our respective national members represent standardization efforts in over 150 countries and we have published tens of thousands of international standards used on a worldwide basis.

Like many organizations, INGOs face the almost certain risk of increased abuse of their names/acronyms as more top-level domains enter the domain name system.

Non-profit INGOs with global public missions are particularly vulnerable when it comes to facing this mounting risk of cybersquatting. This is because INGOs often lack the mandate, funds, expertise and resources to do so. And when they do, the fight can come at the cost of diverting (often public) resources away from serving the global community, including helping to make technology and communication, the Internet and the domain name system easier and safer for all to use.

When discussing the need for special protections for the names/acronyms of international organizations in top and second-level domains, we should not ignore INGOs.

1. Universal Objective Criteria. From the beginning of the Working Group's deliberations, we have emphasized the importance of finding one set of objective criteria for granting international organizations special protection. We were concerned that otherwise, tailor-made qualification criteria would effectively match certain *organizations* instead of describing the select *category* of international organizations that should be granted special protection based on the legal and policy rationale for doing so. Without such an expressed rationale, smaller and less vocal international organizations (particularly INGOs) that would have otherwise qualified under criteria grounded in such a rationale might easily be ignored. This concern remains.

2. INGO Qualification Criteria Proposal. Absent a set of universal objective criteria, we strongly believe that INGOs that qualify under such INGO Qualification Criteria as proposed in the Initial Report and reproduced below should be granted (balanced) special protections for their names/acronyms in top and second-level domains.

The INGO Qualification Criteria follow;

- i. The INGO benefits from some privileges, immunities or other protections in law on the basis of the INGO's proven (quasi-governmental) international status;

ii. The INGO enjoys existing legal protection (including trademark protection) for its name/acronym in over 50+ countries or in three (of five) ICANN regions or alternatively using a percentage: more than 50%;

iii. The INGO engages in recognized global public work shown by;

a. inclusion on the General Consultative Status of the UN ECOSOC list, or

b. membership of 50+ national representative entities, which themselves are governmental/ public agencies or non-governmental organizations that each fully and solely represent their respective national interests in the INGO's work and governance.

3. No Blocking or Other Undue Restrictions of Acronyms. We also wish to emphasize that any special protection granted should be carefully balanced with the rights and legitimate interests other parties may have in (using) terms matching the names/acronyms of international organizations, particularly acronyms.

We oppose any block of such acronyms or other undue restrictions such as permissions-based mechanisms whereby, e.g., a trademark owner of a matching acronym must wait for permission from the international organization to register (or apply for) the owner's trademarked acronym as a second or top-level domain.

See Letter from Mr. Rob Steele to Dr. Stephen D. Crocker of May 13, 2013. And subsequent request from the International Sugar Organization to change its GAC-provided acronym "ISO" to "ISOSUGAR" for these protections, Letter from James Lowe to Steve Crocker and Fadi Chehadé of May 29, 2013.

Rather we support special protections, such as applicant support programs, extended or permanent claims notice services, and any other financial and technical assistance that may be offered by ICANN to strengthen the position of international organizations that face the risk of increased abuse of their names/acronyms in the domain name system.

We look forward to further progress on these issues, positive Final Recommendations of the Working Group, and subsequent acceptance by the GNSO Council and the ICANN Board.

Respectfully submitted,

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