

29 November 2018

RE: IGO / INGO Protections and PDP on Curative Rights

Stephen Mathias
Assistant Secretary General, Office of Legal Affairs
United Nations
New York

Dear Mr. Mathias,

Thank you for your comprehensive and detailed letter of 27th July. As CEO and President of ICANN I am answering on behalf of the ICANN Board.

First of all, I would like to apologise for the delay in replying. I was, as you will understand, awaiting further developments in the GNSO policy development process concerning IGOs and Curative Rights. As you have noted the Working Group (on IGO-INGO Access to Curative Rights Protection Mechanisms) adopted its Final Report¹ on 17th July, forwarding it to the GNSO Council.

The Council has met three times since then, on 16th August, September 27th and again in October at ICANN63, but, while addressing the Report of the Working Group, has not formally voted on the Recommendations. The next meeting of the GNSO Council is on November 29th and the Final Report from the Working Group is on the agenda.²

As you correctly assert in your letter, some of the Recommendations of the Working Group are potentially inconsistent with the standing GAC advice on the protection of IGO acronyms at the second level and the processes under which an IGO may wish to assert their rights to the use of their acronym in a potential dispute with a registrant. The GAC, at ICANN63, in Barcelona, asked the Board³ to “... *facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC in an effort to resolve the longstanding issue of IGO protections...*”. Consideration of such will be given by the ICANN Board in its normal process for consideration of GAC Consensus Advice. I understand that the Board stands ready to facilitate a substantive, solutions-oriented discussion when invited to do so by the GNSO and the GAC.

Prior to any resolution of the issues you have articulated, and those referred to above, I can confirm that the current protection against the registration of an IGO acronym at the second level will remain in place. The ICANN Board confirmed this with the GAC on a number of occasions, most recently during the meeting between the GAC and ICANN Board during ICANN62 [Panama City] in June.

¹ https://gns0.icann.org/sites/default/files/file/field-file-attach/igo-ingo-crp-access-final-17jul18-en_0.pdf

² <https://gns0.icann.org/sites/default/files/file/field-file-attach/agenda-council-29nov18-en.pdf>

³ <https://gac.icann.org/contentMigrated/icann63-barcelona-communique>

I am sorry I cannot be more helpful with respect to your concerns; as I am sure you will recognize, the bottom-up policy development process has to be allowed to reach conclusions.

I can, however, report on the positive developments concerning the reconvened Policy Development Process (PDP) Working Group relating to second level protections for certain full names associated with the International Red Cross Movement and Red Cross National Societies. This process resulted in a proposed Consensus Policy⁴ which is currently subject to public comment ahead of being considered by the ICANN Board. Within ICANN, if the ICANN Board approves a Consensus Policy, such policy must be followed by all gTLD Registry Operators and ICANN-Accredited Registrars.

Finally, I would like to thank you for your continued commitment to the policy processes in ICANN and invite you, and representatives of the IGOs that were co-signatories to your letter, to join the ICANN Community at our ICANN64 Meeting in Kobe, Japan in March 2019.

I am copying this letter to Ms. Manal Ismail (GAC Chair).

Yours Sincerely,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)

Cc: Manal Ismail, Chair, ICANN Governmental Advisory Committee

⁴ <https://www.icann.org/public-comments/red-cross-names-consensus-policy-2018-11-21-en>