

# Staff Report of Public Comment Proceeding

## Proposed Consensus Policy for the Protection of Certain Red Cross and Red Crescent Names in All Generic Top-Level Domains

**Publication Date:** 4 January 2019

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### Public Comment Proceeding

Open Date: 21 November 2018

Close Date: 14 December 2018

Staff Report Due Date: 4 January 2019

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### Section I: General Overview and Next Steps

This public comment period was opened in accordance with transparency requirements under the ICANN Bylaws, which mandates the provision of a reasonable opportunity for the public to comment on proposed policies being considered by the ICANN Board that substantially affect the operation of the Internet or third parties. The proposed Consensus Policy relates to certain Red Cross and Red Crescent names in all generic top-level domains (gTLDs), which was approved unanimously by the GNSO Council in September 2018 following its reconvening of a Policy Development Process (PDP) Working Group to consider this specific issue. The proposed Consensus Policy and all relevant community input received as a result of this public comment proceeding will now be forwarded to the ICANN Board as it considers whether or not to approve the recommendations from the GNSO Council.

### Section II: Contributors

*At the time this report was prepared, a total of three (3) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

#### Organizations and Groups:

Name	Submitted by	Initials
GNSO Commercial & Business Users Constituency	Steve DelBianco	BC
GNSO Non-Commercial Stakeholders Group	Rafik Dammak	NCSG
ICANN At Large Advisory Committee	At Large Staff	ALAC

#### Individuals:

Name	Affiliation (if provided)	Initials
None		

### **Section III: Summary of Comments**

*General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

The BC and ALAC support the adoption of all six consensus recommendations from the GNSO PDP Working Group. The NCSG had previously expressed concerns about the recommendations and in this comment reiterated its disagreement with the proposed policy.

### **Section IV: Analysis of Comments**

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

The BC's support for the proposed Consensus Policy cited the need to safeguard both public policy and consumer trust in the safety of the domain name system. It noted the fact that the legal basis for the proposed protections is international humanitarian and national laws rather than intellectual property rights. The BC also highlighted its belief that protecting the specific names in question fits within ICANN's mission of ensuring the security of the DNS. While not specific to the issue, the BC's comment also mentioned the importance of continuing cooperation between and involvement of both government and non-governmental actors in the ICANN policy process.

The ALAC's support for the proposed Consensus Policy highlighted the clarity that it believes the Policy will provide, both for the protection, exception and correction/modification mechanisms for the existing and agreed finite list of names as well as to the process and criteria governing any future changes thereto. The ALAC also noted the status of the Red Cross as a humanitarian organization that has been targeted by those seeking fraudulent donations.

The NCSG believes that special protection should be afforded only in exceptional circumstances as this could be detrimental to the freedom of speech and expression. It does not support the proposed Consensus Policy as, despite the public policy considerations that were identified during the policy process, it believes that reserving these names could lead to the curtailment of legitimate domain name registrations made in good faith and the privileging of the Red Cross organization. The NCSG also noted that allowing future changes to the agreed, finite list could create the possibility of abuse that will take time and effort to redress.