

## **GNSO gTLD Registries Stakeholder Group Statement**

**Issue: PROPOSAL FOR PROTECTION OF INTERNATIONAL OLYMPIC COMMITTEE AND RED CROSS/RED CRESCENT NAMES AT THE TOP LEVEL**

Date: 7 March 2012

Public Comment URL: <http://www.icann.org/en/news/public-comment/ioc-rcrc-proposal-02mar12-en.htm>

This statement on the issue noted above is submitted on behalf of the gTLD Registries Stakeholder Group (RySG). The statement that follows represents a consensus position of the RySG as further detailed at the end of the document. The RySG statement was arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).

### **Background**

When the suggestion was first raised that International Olympic Committee And Red Cross/Red Crescent Names (IOC/RC) should receive special protection in the new gTLD program, the RySG was very concerned that any such special treatment might create undesirable precedents for other organizations to receive the same treatment. Later in the process, after carefully reviewing the 14 September 2011 GAC letter to the chair of the GNSO Council, we felt that the GAC did a thorough job of addressing our concerns by pointing out the uniqueness of the two categories of names in international law. Moreover, after other organizations requested similar treatment, we believe that our conclusion was confirmed that the IOC and RCRC organizations did have special status in international law, and therefore the risk of undesirable precedent setting was minimal. At this time, we continue to maintain that conclusion.

Consequently, we support the recommendations made by the IOC/RC Drafting Team (DT) for top level names for new gTLDs. At the same time, we also want to comment on some process issues that we think are very important for the ICANN community and particular for the GNSO.

When the Board makes changes to already approved policy or already adopted policy implementation details without broader community input, it short circuits the policy development process. In this case, the board action required ICANN staff to make changes in the Guidebook and the GNSO to initiate work as directed by the Board motion. The RySG strongly urges the Board to be especially cautious about acting in this way and, if it decides to do so, to be fully cognizant of the possible repercussions.

Similarly, when staff responds to a Board motion that has community impact, it should not be concluded that community input is not needed. In this case, if community input had been sought, it seems likely that the implementation details put into the Guidebook could have been improved, and some of the time spent on this issue after the fact could have been reduced. The RySG suggests that staff learn from this situation going forward.

In this case, the actions by the Board and by ICANN staff put the GNSO into a difficult position. The GNSO quickly recognized that the work requested in the Board motion could have impact on the timing of the new gTLD process. The GNSO DT accepted the request for work and attempted to respond in a way that minimized possible negative effects on the timing of the new gTLD process. As it turned out, most members of the DT concluded that there was a dilemma: if the DT following the well defined policy process timelines, that would delay decision on how to handle IOC/RC names at the top level until after the end of the application period. As a result, most members of the DT decided to attempt to shorten the timeframes while still trying to get additional community input before possible GNSO Council action.

The RySG believes that in the extremely dynamic environment in which all of us operate there needs to be enough flexibility to make adjustments in procedural time constraints while at the same time making best efforts to maintain the integrity of the bottom-up, multi-stakeholder process.

### **RySG Level of Support**

#### **1. Level of Support of Active Members: Supermajority**

1.1. # of Members in Favor: 12

1.2. # of Members Opposed: 0

1.3. # of Members that Abstained: 0

1.4. # of Members that did not vote: 1

#### **2. Minority Position(s):**

### **General RySG Information**

- Total # of eligible RySG Members<sup>1</sup>: 14
- Total # of RySG Members: 13
- Total # of Active RySG Members<sup>2</sup>: 13
- Minimum requirement for supermajority of Active Members: 9
- Minimum requirement for majority of Active Members: 7

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<sup>1</sup> All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (RySG Charter, Article II, RySG Membership, Sec. A). The RySG Charter can be found at [http://www.gtldregistries.org/sites/gtldregistries.org/files/Charter\\_for\\_RySG\\_6\\_July\\_2011\\_FINAL.pdf](http://www.gtldregistries.org/sites/gtldregistries.org/files/Charter_for_RySG_6_July_2011_FINAL.pdf)

<sup>2</sup> Per the RySG Charter, Article II, RySG Membership, Sec.D: Members shall be classified as “Active” or “Inactive”. An active member must meet eligibility requirements, must be current on dues, and must be a regular participant in RySG activities. A member shall be classified as Active unless it is classified as Inactive pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in three consecutively scheduled RySG meetings or voting processes or both. An Inactive member shall continue to have membership rights and duties except being counted as present or absent in the determination of a quorum. An Inactive member immediately resumes Active status at any time by participating in a RySG meeting or by voting.

- # of Members that participated in this process: 13
- Names of Members that participated in this process:
  1. Afiliac (info, pro & mobi)
  2. DotAsia Organisation (.asia)
  3. DotCooperation (.coop)
  4. Employ Media (.jobs)
  5. Fundació puntCAT (.cat)
  6. ICM, Inc. (.xxx)
  7. Museum Domain Management Association – MuseDoma (.museum)
  8. NeuStar (.biz)
  9. Public Interest Registry - PIR (.org)
  10. Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
  11. Telnic (.tel)
  12. Tralliance Registry Management Company (TRMC) (.travel)
  13. VeriSign (.com, .name, & .net)
- Names & email addresses for points of contact
  - Chair: David Maher, [dmaher@pir.org](mailto:dmaher@pir.org)
  - Vice Chair: Keith Drazek, [kdrazek@verisign.com](mailto:kdrazek@verisign.com)
  - Secretariat: Cherie Stubbs, [Cherstubbs@aol.com](mailto:Cherstubbs@aol.com)
  - RySG representative for this statement: Chuck Gomes, [cgomes@verisign.com](mailto:cgomes@verisign.com)