

OPEN LETTER FROM INTERGOVERNMENTAL ORGANIZATIONS ON THE EXPANSION OF GENERIC TOP LEVEL DOMAINS

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Re: Protection Against the Misleading Use of the Names and Acronyms of International Intergovernmental Organizations in the Domain Name System

We, the Legal Counsels of the public international intergovernmental organizations (IGOs) indicated hereunder are writing to convey to you the concerns of the IGO community. The IGO community concerns relate to the increased potential for the misleading registration and use of IGO names and acronyms in the domain name system under ICANN's significant expansion plans.

Against this background, we formally request ICANN to make provision for a targeted exclusion of third party registrations of the names and acronyms of IGOs both at the top and second level, at least during ICANN's first application round and until further appropriate policy could be developed. We request for these changes to be communicated to the Internet community and included in an updated version of the Applicant Guidebook before January 12, 2012.

As you would be aware, IGOs represent a wide range of vital causes such as public health, labor practices, food security, peace-keeping operations, containment of weapons proliferation, sustainable economic and social development and reconstruction, trade and commerce standards, children's rights, refugees, disaster relief, fundamental scientific research and other public policies. Abusive registration of IGO names and acronyms harms these causes. It also imposes a serious enforcement burden on IGOs, which should not have to divert their public resources for this purpose. We believe it to be incumbent on ICANN as the mandating agency of the domain name system to implement appropriate policy measures to help mitigate these harms. IGOs are created by treaty, they are the subject of international law like states, and they deserve the same treatment.

Such measures would also find support in international legal norms. The names and acronyms of IGOs are protected within the scope of Article 6ter of the Paris Convention for the Protection of Industrial Property (with 173 Contracting Parties), as further referred to in

Article 16 of the Trademark Law Treaty and Article 2 of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights. We also note that the “GAC Principles Regarding New gTLDs” of ICANN’s Governmental Advisory Committee call on ICANN to make proper allowance for IGO protection in the domain name system.

The curative, resource-intensive objection option currently foreseen for IGOs in ICANN’s Applicant Guidebook fails to do justice to the above public policy and legal considerations. Consistent with the rationale for protection envisaged for the important causes represented by the International Federation of Red Cross and Red Crescent Societies and the International Olympic Committee, at minimum, provision should be made to exclude registration by third parties of protected IGO names and acronyms at the top level during the initial application round. In addition, we call upon ICANN to implement such a preemptive mechanism for IGOs at the second level.

Whether involving peacekeeping operations around the world, health, education, reconstruction, sustainable development, emergency relief, research or fundraising, the integrity of IGO identities on the Internet serves internationally-recognized causes for a global population. Going forward, ICANN’s development of the domain name system must demonstrate a capacity for serving that public interest within existing legal norms.

Thank you for your attention to this matter.

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