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## **AT-LARGE ADVISORY COMMITTEE**

### **ALAC Statement on the Reservation of Olympic and Red Cross Names in the gTLD Application Procedure**

#### **Introduction**

By the Staff of ICANN

Evan Leibovitch, Executive Committee Vice-Chair and ALAC member from the North American Regional At-Large Organization (NARALO), composed an initial draft of this Statement after discussion of the topic within At-Large.

On 14 March 2011, following discussion on the Mailing List, this Statement was reviewed by the ALAC at the 43<sup>rd</sup> ICANN Meeting in San Jose, Costa Rica.

On that same day, Olivier Crépin-Leblond, Chair of the ALAC, held a vote on this Statement. Staff confirmed that the vote was quorate with 13 votes in favor, 0 against, and 1 abstention.

The Chair then requested that the Statement be transmitted to the public comment process, copying the ICANN Staff member responsible for this public comment topic.

[End of Introduction]

The original version of this document is the English text available at <http://www.atlarge.icann.org/correspondence>. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

# ALAC Statement on the Reservation of Olympic and Red Cross Names in the gTLD Application Procedure

The ALAC notes with concern the recent activities of the ICANN Board, its staff, and the GNSO regarding the reservation of domain names related to the Olympic and Red Cross movements. We object to the poor precedents these activities set forward both on substance and on process:

On substance, we see no substantial reason to afford to the Red Cross and the International Olympic Committee protections not available to other rights holders. Substantial objection procedures were put in place regarding the gTLD program, well capable of addressing all concerns about confusion and misuse. ICANN's Governmental Advisory Committee (GAC), which has raised the concerns about these names, indeed has its own hard-won objection mechanisms in place.

Moreover, there are many in the At-Large Community who believe specifically that specially entrenched protection of olympic-related names is against the global public interest. We note that many legitimate uses of the word "olympic" and its derivatives are used for airlines, cameras, restaurants, paint, and numerous businesses around the world with no connection to the Olympic athletic movement or the IOC. These businesses are not currently seen to be confusing with the olympic movement, and we believe that needless restriction on these names -- beyond what already exists -- is publicly harmful.

On process, it is regrettable to see the domain naming policy (a hard-bargained consensus amongst many stakeholders) being overridden as a result of a bilateral engagement by the ICANN Board. We accept that the GAC, in advancing its concerns over these names, was performing its role according to its members' wishes. However, the ICANN Board's imposition of these wishes upon the community without prior consultation demonstrates numerous flaws and poor precedents:

- It is our understanding that the scope given the GNSO Drafting Team, in debating this matter, precluded it from rejecting outright the proposed changes because the Board had already forced the matter. The Drafting Team was left in a position of refining -- and indeed legitimizing -- a Board directive that many community members thought to be objectionable outright; It is our understanding that the scope given the GNSO Drafting Team, in debating this matter, precluded it from rejecting outright the proposed changes because the Board had already forced the matter. The Drafting Team was left in a position of refining -- and indeed legitimizing -- a Board directive that many community members thought to be objectionable outright;
- The overriding of broad consensus-based policy based on a bilateral negotiation calls into question ICANN's publicly expressed commitment to maintaining (and indeed strengthening) its "multi-stakeholder model". How can ICANN's multi-stakeholder model claims be trusted when the community consensus can be so easily overridden due to perceived political expediency?
- The late date of this activity, changing the Applicant Guidebook so long after its "final" version was published, reduces public confidence and destabilizes the application process

- Why is this only about generic names? That is, why would "co.redcross" be subject to pre-restriction but "redcross.co" not? The uneven and unequal application of such a demand is the source of both instability and confusion. The debate on such policy should not be limited to the GNSO, since it is an issue affecting all domain names.

We note many of our concerns about this process have been expressed in Kurt Pritz's March 2 letter to the GNSO Drafting Team. We believe, though, that rather than simply requesting further details and refinement, staff's concerns call into question the value of the entire initiative.

In view of the above, the ALAC specifically advises and requests the ICANN Board to reconsider its directions regarding the Red Cross and Olympic names as being ultimately against the global public interest. This matter should be reviewed with the purpose of giving the ICANN Board guidance on the global public interest related to making changes to previously-approved multi-stakeholder consensus. ALAC further advises the ICANN Board to leave the Applicant Guidebook unmodified in this regard . As the body mandated by ICANN to represent the interests of Internet end-users around the world, we believe that this initiative damages the credibility of ICANN's multi-stakeholder model without providing substantial end-user benefit, but has the effect of creating new potential sources of public confusion and instability.