



**International
Trademark
Association**

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Board of Directors
Internet Corporation for Assigned
Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

Dear Members of the ICANN Board:

Re: Geographic Terms and the New gTLD Program

In ICANN's historic expansion of the Domain Name System, several applications for new gTLDs involve applied-for names related to geographic terms, such as .AMAZON. The International Trademark Association (INTA) wishes to indicate its strong support of the recent views expressed by the United States of America that it "does not view sovereignty as a valid basis for objecting to the use of terms, and we have concerns about the effect of such claims on the integrity of the process." Moreover, neither UN processes nor the fundamental principles of public international law recognize an exclusive right of states to geographic terms, and it follows logically that there is no such recognition for sub-national names

INTA believes that the generally accepted principles of international law provide ICANN with a framework for assessing potential non-Community-based objections to the delegation of particular applied-for strings associated with geographic terms. These legal norms establish that states do not possess exclusive rights to geographic terms, and that the rights of trademark owners as established under international frameworks - including binding international treaties - must be recognized. By adhering to these established legal principles, ICANN will ensure its decisions will be aligned with promoting the public interest in the introduction of new gTLDs.

Accordingly, INTA urges the ICANN Board to exercise its discretion to ensure that countries do not use the mechanism of the GAC to obtain rights and/or remedies within the new gTLD delegation process that are unavailable under national and international law. Failure to do so would create a precedent for preventing the delegation of strings based on sovereign claims for geographic terms that will call into question the integrity of the new gTLD program and ICANN as a global, multi-stakeholder organization.

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Thank you for your consideration of our views on these important issues. Should you have any questions or comments on our submission, please contact INTA External Relations Manager, Claudio DiGangi at cdigangi@inta.org.

Sincerely,



Etienne Sanz de Acedo
Chief Executive Officer

The International Trademark Association (INTA) is a global association of trademark owners and professionals dedicated to supporting trademarks and related intellectual property in order to protect consumers and to promote fair and effective commerce. INTA's membership crosses all industry lines and includes more than 6,000 trademark owners, professional firms and academics from more than 190 countries. Members benefit from the not-for-profit Association's global trademark research, policy development and advocacy, education and training, and international network. Founded in 1878 and headquartered in New York City, INTA also has offices in Shanghai, Brussels and Washington, D.C., and representatives in Geneva and Mumbai. INTA has served as a leading voice for trademark owners on the future of the Internet DNS, and is a founding member of the Intellectual Property Constituency (IPC) of ICANN.