



The Internet Corporation for Assigned Names and Numbers

11 August 2014

Hon. Steve Israel
Member of Congress
United States House of Representatives
Washington, DC 20515

Dear Congressman Israel,

Thank you for your letter of July 14, 2014 regarding the applications for the .VIN and .WINE new gTLDs. We appreciate the challenges faced by Long Island wineries in protecting against cybersquatting and other forms of domain name abuse. The ICANN community is well aware of these types of concerns and spent several years addressing them prior to the launch of the program. As a result, ICANN built many safeguards into its New gTLD Program to ensure that each applicant is legally, technically and operationally qualified to run a registry. The safeguards are embedded within the application evaluation criteria as well as in rights protection mechanisms and protections against potential malicious conduct. As a consequence, the New gTLD Program provides rightsholders with significantly more protection mechanisms than those available in existing TLDs such as .COM, .NET and .BIZ.

As described below, the Governmental Advisory Committee (GAC) recommended additional safeguards to apply to new gTLD registry operators. Some members of the GAC advocated for specific protections for Geographic Indications. While there was no consensus support within the GAC for the protection of Geographic Indications, the wineries in your district will benefit from new safeguards and redress mechanisms developed as part of the new gTLD program.

I. Governmental Advisory Committee Advice on .VIN and .WINE

The GAC is a critical part of the ICANN process. It is made up of representatives of more than 140 governments from across the globe. The GAC's key role is to provide advice to the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements.

With respect to the new gTLD program in general, the GAC issued a substantial amount of advice on the safeguards that should apply to new gTLD operators. In response, the ICANN Board adopted a number of new measures registrant data, compliance with all applicable laws, security and complaint mechanisms. With respect to VIN and .WINE applications, the GAC issued advice to the Board on the .VIN and .WINE applications on four occasions between April 2013 and March 2014. It also informed the ICANN Board on September 9, 2013 that it had finalized its consideration of the strings .VIN and .WINE, that there was no GAC consensus



advice on additional safeguards for .VIN and .WINE, and that the applications for .VIN and .WINE should proceed through the normal evaluation process.

On April 4, 2013, the Board New gTLD Program Committee (NGPC) published resolution 2014.04.04.NG03 directing the President and CEO, or his designee, not to commence the contracting process for the applications for .WINE and .VIN for 60 days in order to provide additional time for the relevant impacted parties to negotiate.

(<https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-04-04-en>) The 60-day period expired on June 3, 2014.

II. Board Reconsideration Requests

On April 8, 9 and 18, 2014, the European Commission, the governments of France, Italy, Luxembourg, Portugal, Spain, Switzerland and the United Kingdom, and five Geographical Indication Organizations filed 13 Reconsideration Requests asking the NGPC to reconsider one or more of the five NGPC Resolutions addressing GAC advice on the applications of .VIN and .WINE. In its June 6, 2014 decision, the NGPC agreed with the Board Governance Committee's conclusion that there was no evidence that the Board's actions in adopting the Resolutions support reconsideration. (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-06-06-en>).

III. Current Status

As noted above, the 60-day waiting period before contracting could commence has expired and the Board reconsideration requests have all been denied. Consistent with the NGPC resolutions cited above, ICANN has continued with the processing of the .VIN and .WINE applications. Of course, should the GAC be in a position to provide any additional advice on this issue, we would welcome it. Similarly, should governments succeed in resolving these issues in other global trade fora such as WIPO or the WTO, that, too, will be taken into account.

As the program moves forward, rightsholders have at their disposal a number of means to obtain protection for their marks:

- **Trademark Clearinghouse:** A single database of verified trademark information supports trademark claims (notification of potentially infringing registrations) and sunrise services (opportunity for rightsholders to obtain names prior to general availability). The Clearinghouse verification function is performed by Deloitte under agreement with ICANN. The Clearinghouse is designed to replace the need for trademark holders to register in many databases as new gTLDs are launched. ICANN requires every new gTLD operator to utilize the Clearinghouse for a Trademark Claims and a Sunrise Process.



- Uniform Rapid Suspension (URS): The URS will provide rapid relief to trademark holders for the most clear-cut cases of infringement and offer cheaper, faster responses than the existing Uniform Domain Name Dispute Resolution Policy. The URS filing fee, expected to be in the range of \$300-500, will be set by the URS provider, and a successful URS complaint would result in suspension of the challenged name.
- Uniform Domain Name Dispute Resolution Policy (UDRP): Independent administrative proceeding to resolve disputes over alleged abusive domain name registrations. It is widely adopted today and will continue to be available as alternative to court actions for trademark holders to pursue cases of cybersquatting.

Longer term, we urge your constituents to band together to participate in ICANN. There will be more discussion on whether the new gTLD program should recognize protections for geographic indications prior to the launch of the next application round. Most of the work done by ICANN stakeholders is performed using remote participation tools and requires very little investment. ICANN's thrice-yearly meetings are also fully accessible online. We would be happy to provide more information on how to effectively participate within ICANN if that would be helpful.

I hope this specific information is helpful. If you need additional information or have additional concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Crocker". The signature is fluid and cursive, with a large initial "S" and "C".

Stephen D. Crocker
Chair, ICANN Board of Directors