

**To the courteous attention of Dr Steve Crocker, Chair of the ICANN Board
Mr Cherine Chalaby, Chair of the new gTLD Program Committee Board
Mr Fadi Chehadé, CEO of ICANN
Mr Akram Atallah, COO of ICANN**

In copy: Ms Heather Dryden, Chair of the Governmental Advisory Committee

Brussels, 12 March 2013

Object: ICANN initiatives for the attribution of new generic top-level Internet domains - PDO and PGI wines' concerns

Dear Madam, dear Sirs,

EFOW, the European Federation of Origin Wines, a Brussels based-organisation representing PDO (Protected Designation of Origin) and PGI (Protected Geographical Indication) wines towards European and international institutions, would like to bring to your attention a crucial issue for the safeguard of our sector concerning the attribution of new generic top-level domains (gTLD) by your organisation. We are concerned that this new procedure could lead to the abuses of our members' Intellectual Property Rights (IPRs).

As far as we are informed, at the current stage of the ICANN procedure, three private firms have applied to manage a new Internet domain ".wine" and another candidate applied to manage the domain ".vin". Should registrars obtain these new gTLDs, they will be able to commercialise them and allow individuals and/or organisations to combine these gTLDs to a second-level domain name to create a personalised web address, as for instance "chianti.wine", "champagne.vin", "rioja.wine", "port.vin".

As you may know, Geographical Indications (GIs) are, according to the WTO TRIPs agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin, for example, "Champagne", "Tequila", "Parma Ham" or "Roquefort". As such, these GI names, like trade marks, enjoy protection as IPRs at the international level and in all WTO Member States.

Considering the above, EFOW believes, as they stand, your organisation's rules on the new gTLD do not allow for the protection of GIs which are recognised IPRs. In fact, applicants will only have to abide by "specification 5" according to which operators shall prohibit the registration of country and territory names recognised by the United Nations or of their ISO codes in front of the extensions ".wine" and ".vin". Moreover, we are concerned that none of the four projects mentioned above, commit to the protection of GI wine names. Finally, we are also preoccupied by the fact that these projects envisage the possibility of registering "premium" domain names attributed by public auction to the highest bidders without any further specifications. ICANN's rules and these applications in their actual form thus raise serious concerns for our sector given that they could lead to abuses of GI names on domain names.

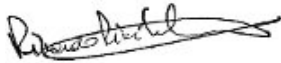
We would like to underline that EFOW is not opposed to the attribution of new gTLDs provided that ICANN and registrars provide for the protection of GIs. The current Trade mark Clearinghouse scheme is, however, not sufficient and does not respond to the needs of the GI wine sector.

Moreover, EFOR believes that the concessions referred to the second-level domains should be subjected to detailed rules to guarantee an efficient protection to European PDO and PGI wines and more generally to all GIs. More specifically, ICANN should develop a procedure that ensures that GI names cannot be reserved by third parties and enables organisations responsible for the protection of GIs to oppose the reservation of a domain name that consists of or contains the name of a GI through a procedure, e.g. an alternative dispute resolution (ADR). Furthermore, it also considers that authorisations to use the generic top-level domains “.wine” and “.vin” should be guided by the respect of European and International legislation on GI wines, which provide them with a strong protection, as clearly stated by article 23 of the WTO TRIPs Agreement on trade-related aspects of Intellectual Property Rights.

EFOR has already raised its concerns with relevant EU countries and would like to know whether ICANN intends to modify its’ procedures to allow GI right holders to have the same rights and guarantees as the ones given to trade marks owners.

We thank you in advance for taking into consideration our observations and would welcome an open discussion on this specific issue.

Yours faithfully,



Riccardo Ricci Curbastro
President of EFOR