

**Attention of Mr Fadi Chehadé, CEO of ICANN and other members of the ICANN board.**

Montrouge, 3 April 2013 - FRANCE

Object: Hints and solution for the protection of Wine Geographical Indications in the ICANN new gTLD program.

Dear Mr Fadi Chehadé, CEO of ICANN,

As a person involved - since 2008 - in the wine domain names that have just been introduced by the ICANN new gTLD program, I have been very happy to point out that there were 4 new gTLD applications posted on Reveal Day, June the 13<sup>th</sup> 2012: 3 applications for the .wine Top-Level Domain (in English) and one for .vin (in French).

Even if these applications are standard ones, it shows there is - definitely - a Wine community on Internet.

[Project dotVinum](#) was set-up to open the discussion, inform about, promote wine domain name extensions to the public in multiple languages (.wine, .vino and .vin) and launch wine Registries. The aim of the project remains what it always has been : offer wine domain names, protect the wine industry and users publishing wine related content on their web site, protect brands and wine Geographical Indications.

A few things the board, the Independent Objector and the ICANN Ombudsman should remember prior to reading more about this article:

- The OIV (International Organisation of Vine and Wine) [posted 4 public comments](#) regarding Geographical indication in the wine sector as well as many other organizations: 38 public comments for .WINE and 9 for .VIN;
- In November 2013 a GAC early Warning was issued [by the French Government](#) on .VIN regarding the implementation of an objection procedure to safeguard the protection of geographical indications;
- A GAC Early Warning was also issued [by The Government of Luxembourg](#) for .VIN;
- In March the 12, President of the European Federation of Origin Wines [sent a letter to the ICANN board](#) with object: "ICANN initiatives for the attribution of new generic top-level Internet domains - PDO and PGI wines' concerns".
- Today, 3 of April 2013, I send ICANN this letter.

**1) Geographical Indications and Appellations of Origin are easy to protect: stick to the official databases**

Wine is specific regarding the question of protection because protecting the wine community is not only a matter of protecting brands and Country and Territory Names as specified in "Specification 5" from the Applicant Guidebook. Avoiding a third party to register a "monbazillac.wine", a "toro.wine", a "champagne.wine", a "cachi.wine", or a "bentoncounty.wine" is also a matter of protecting a culture: the

culture of Wine.

Part of this culture was given names: “Geographical Indications (GIs)” and “Appellations of Origin (AO)”.

Following ICANN’s rules and sticking to Specification 5 of the new gTLD applicant guidebook “only” is far from enough to protect the wine Industry: I am happy that a domain name like [california.wine](#) is protected in multiple languages - thanks to this specification - but what about [napavalley.wine](#) (USA), [valedosvinhedos.wine](#) (BRAZIL) and...[champagne.wine](#) (FRANCE)?

**There is NO strong mechanism offered to protect GIs et AOs in the Applicant Guidebook as well as any of the four proposed wine applications. This is not acceptable.**

The Trademark Clearinghouse and the Sunrise Periods offer a possibility to participate for interested parties who want to register a domain name, but what about the rest of all members of the wine Communities who do not know, who do not use domain names, who do not want to participate but want to be protected?

Sunrise periods are open during a certain period of time but this is not enough for an entire industry to know it can register a domain name. This is not a protection mechanism... It is just an option.

The only solution left then for all this “wine population” who could not participate, who did not want to participate, who could not afford to participate or who forgot to participate will be to recover its infringed domain names and infringed Wine GIs through a URS procedure? Again, this is not acceptable.

[Geographical Indications and Appellations of Origin official Databases DO exist. There are 2 official databases worldwide which list them:](#)

1. [The database of the OIV](#) (Organisation Internationale de la Vigne et du Vin) which is composed of 44 member states.
2. [The database of the European Commission](#), also called E-BACCHUS which consists of the Register of designations of origin and geographical indications protected in the EU in accordance with Council Regulation (EC). **The database also lists non-EU countries' geographical indications** and names of origin protected in the EU in accordance with bilateral agreements on trade in wine concluded between the EU and the non-EU countries' concerned;.

Another complete and up-to-date [database of French wine GIs](#) only is available at the French INAO.

2) How to allow any listed institution or competent authority representing a wine GI to have access to its corresponding domain name?

Not only Geographical Indications and Appellations of Origins Registrants should be allowed to register their domain name ANYTIME THEY WANT and whatever how long the Sunrise or Landrush Periods are, but they should also be allowed to recover their domain name anytime they want to when another Registry (such as [.HORSE](#) for example) allows another Registrant to register a conflicting domain name.

**SPECIFICATION 5** of the New gTLD applicant guidebook offers the best solution to block and reserve

names at the second level to protect Wine Geographical Indications. The E-BACCHUS database has a list of **3013 Geographical Indications** ([see figures](#)) which should be blocked for Registration and then allowed to be unlocked on request by the corresponding representative of a wine Geographical Indication. Each blocked name should include its plural version(s) with and without hyphen when they exists.

ICANN should also include a mechanism to:

1. Request authority on a domain name if the Registrant can demonstrate he represents a wine Geographical Indication.
2. Revoke the domain name if no answer was given by the actual Registrant in a certain period of time (20 days for example). If Registrant cannot demonstrate he truly represents a wine GI, then a procedure should be offered at the ICANN or Registry level.

### **Standard or Community?**

All wine new gTLD applications that have been submitted are Standard ones. This was expected but:

- There are strong institutions in the Wine industry worldwide which could have endorsed these as Community applications;
- There are recognized International wine organizations: the [OIV](#) is one of them.

The question here is not to understand why none of them is represented in any WINE application, the real question here is **why ICANN has offered any commercial organization to apply for a .wine Top-Level Domain without the consent of, at least, one recognized wine institution?**

The final question regarding .WINE applications is not to say whether ICANN offered a correct way to apply through its multiple versions of its applicant guidebook, the final question here is **how to ensure that wine Registrants, AOs and GIs are offered a way to register their domain name without having to face what comes after: cybersquatting and domaining?** These factors have been a reality for the past 25 years: check [bordeaux.pro](#) as a matter of example.

Being allowed to acquire the highly profitable monopoly to own a registry license may seem easy according to the ICANN Applicant Guidebook but “wine” or “vin” are not just letters added on to the other: they represent people, companies, culture, knowledge, datas: they are not the same as giving the monopoly to a .XYZ which will be “open to all”. Not to forget that the winning applicant is then granted to be the only one to allow selling wine domain names worldwide! Once the winning application is delegated, there is no way back: there is no possibility to change the rules.

### **WINE applications submitted to ICANN**

I checked all .WINE applications and they all follow the ICANN rules offered in the “Applicant Guidebook”, but none goes farther enough into protecting the wine Community. For the subject of Wine, it does no matter whether they are “Standard” applications or “Community” ones:

- No applicant offers a protection mechanism to protect wines with a protected designation of origin (PDO). Let us take an example: anybody will be able to register [morava.wine](#) (Czech Republic);
- Based on this example, the solutions offered by applicants put this “strictly wine” domain name

in danger because if “Morava” is a Trademark in another country, it legitimates its owner to acquire the domain name BEFORE the Czech Protected Designation of Origin during the Sunrise Periods! This is a serious issue for the protection of the wine Community;

- I do not see any protection mechanism for a word like “Champagne”. Yes, Champagne is a wine... In **the French region of Champagne**, there is an institution called “Le Comité interprofessionnel du vin de Champagne”. It defines itself as “the trade organisation established by statute to administer the common interests of everyone within the Champagne industry”. I myself see no other candidate for a domain name like champagne.wine or champagne.vin, even champagnes.wine but according to the operating rules described in wine new gTLD applications, I understand that anyone could ask for “champagne.wine”. Champagne is an example here; there are many similar wine institutions of these kind worldwide.
- Premiums (and Protected) domain names are used in most applications. They allow offering a domain name at a specific price which can then be auctioned if it receives a competing bid. It is unclear whether a word like “Champagne” (or any other “wine word” representing a geographical indication, appellations of origin, or institution) could be made available for sale during an auction. This is a serious issue for the wine Community. Since Premium domains names are allowed, the minimum would be to list them so wine Geographical Indications are not part of them!

Dear members of the board, **the ICANN new gTLD program is not ready** but there is still time to protect the wine community. Once you have launched, it is the entire Wine industry which will be exposed to infringements: **Geographical Indications can benefit from a good protection only if they are protected at the source** in the list of reserved names from the *Specification 5* of your applicant guidebook.

Kind regards,

**Jean Guillon**

Founding Member

Project dotVinum for Wine Registries.

[www.dotvinum.org](http://www.dotvinum.org)

NB: I am sorry for any mistakes in this letter, English is not my native language.