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In reply please  
refer to:

Your reference:

Mr Rod Beckstrom  
President and CEO  
Internet Corporation for Assigned Names  
and Numbers  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292-6601  
Etats-Unis d'Amérique

09 December 2009

Dear Mr Beckstrom,

The World Health Organization (WHO) has the constitutional mandate to "develop, establish and promote international standards with respect to biological, pharmaceutical and similar products". Pursuant to World Health Assembly (WHA) resolution WHA 3.11 on Nonproprietary Names for Pharmaceutical Substances (adopted in May 1950 by the Third WHA), the Organization collaborates closely with national nomenclature committees to select a single, nonproprietary name of worldwide acceptability for each active substance used in pharmaceutical preparations. In this regard, WHO has also been made responsible for promoting the protection of International Nonproprietary Names (INN) for Pharmaceutical Substances, in co-ordination with national authorities worldwide (resolution WHA 46.19 adopted in May 1993). The underlying reason for ensuring that no party can claim any proprietary rights in INN is to protect the safety of patients by allowing them to identify a specific pharmaceutical substance under one single, globally, publicly available name. After their selection, INN are adopted by the national authorities of WHO Member States, which means that such INN should not, in principle, be registered as trade-marks. Hence INN are placed by WHO in the public domain. INN are in several languages including Arabic, Chinese and Russian, in addition to English, French and Spanish and are also published in other languages.

During the 48<sup>th</sup> INN Consultation held in Geneva from 31 March to 2 April 2009, the INN Expert Group was made aware by the World Intellectual Property Organization (WIPO) that the Internet Corporation for Assigned Names and Numbers (ICANN) is considering expansion of the number of Top Level Domains from the current number of about 20 to a much larger number. Indeed, WIPO noted that the then current version of the Draft Applicant Guidebook (DAG), version 2, did not appear to foresee protection at the top or second levels for INN. The INN Expert Group wishes to express its concerns about the possibility of abuse of INN by the creation of new Top Level Domains or second level domain names incorporating INN.

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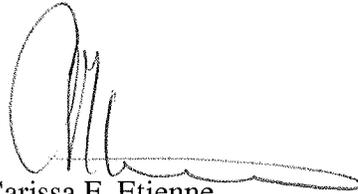
cc: Chairman, INN Expert Group  
World Intellectual Property Organization (WIPO)  
ICANN Governmental Advisory Committee (GAC)

As we understand, currently no specific protection is foreseen for an INN at the top or second levels, and registering an INN as a Top Level Domain or second level domain name would be possible on a first-come, first-served basis.

We take the view that the registration of an INN at the top or second (or lower) level would endanger the principle that INN are public property that cannot be monopolized for commercial purposes, and should remain so in the primary interest of patient safety.

The World Health Organization, therefore, urges that before moving forward with its present initiative, ICANN takes appropriate measures to protect INN at the top and second (and lower) levels. We look forward to your response on this significant public concern.

Yours sincerely,



Carissa F. Etienne  
Assistant Director-General  
Health Systems and Services