

Reconsideration Request Form

1. Requester Information

Name: Víctor Calvo-Sotelo Ibáñez-Martín. Secretary of State for Telecommunications and Information Society (Ministry of Industry, Energy and Tourism of Spain)

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional): Contact Information Redacted

2. Request for Reconsideration of (check one only):

X Board action/inaction

Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

The undersigned requests that Resolution 2014.03.22.NG01 issued by the ICANN Board New gTLD Program Committee (NGPC) be reconsidered, as it resolved that "*the NGPC accepts the GAC advice identified in the GAC Register of Advice as 2013-09-09-wine and vin, and directs the President and CEO, or his designee, that the applications for .WINE and .VIN should proceed through the normal evaluation process*".

The resolution is posted in the ICANN website under

<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-22mar14-en.htm>

Resolution 2014.03.22.NG01 is not deemed superseded by resolutions 2014.04.04 NG01-2014.04.04 NG04.

4. Date of action/inaction:

The ICANN Board New gTLD Program Committee (NGPC) took its decision on 22.03.2014. Even though the URL <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-22mar14-en.htm> now shows 22nd March 2014 as the date Resolution 2014.03.22.NG01 was published, the date 25th March 2014 was shown for some days on that very URL as the date of publication of the resolution and its rationale.

5. On what date did you become aware of the action or that action would not be taken?

The undersigned and the Spanish GAC representative to the Governmental Advisory Committee present in Singapore became aware of the ill-founded action of the ICANN Board on 26.03.2014 during the GAC Communique drafting session. It should be highlighted that Governmental Advisory Committee was not informed of the existence of this Resolution during the meeting with

representatives of the NGPC on the 22nd March 2014 or at specific session between the GAC and the Board that took place on 25.03.2014.

6. Describe how you believe you are materially affected by the action or inaction:

The Spanish Government is mandated by our Constitution to pursue the common good. We deem consumer interests and respect for applicable law as public interests. Both consumer interests and rule of law can be adversely impacted by Resolution 2014.03.22.NG01.

This Resolution lets the evaluation procedure of applications to .wine and .vin to proceed without demanding adequate safeguards to avoid the risks of consumer deception as to the true origin of the wines sold through e-commerce sites lodged under .wine and .vin TLDs. European GAC members have repeatedly declared that Category 0 Safeguard GAC Advice (Beijing Communiqué), specifically, safeguards 5 and 6, are not enough since there is no mention to geographic indications (GIs) and “applicable law” is a vague term that does not afford sufficient protection to GIs in all jurisdictions.

Whereas GIs are a token for quality wines worldwide, consumers, both within and outside Europe, may be led to think that they buy true Rioja, Penedés, Jerez, Ribera del Duero, Cava or whatever other GI protected wine when purchasing from [vinosderioja.wine](#), [bodegasriberadelduero.wine](#), [riasbaixas.vin](#), [truetxacoli.wine](#) or [tororedwines.vin](#).

Cybersquatting and all sorts of GIs abuse have occurred in the domain name space as WIPO Standing Committee on the Law on Trademarks, Industrial Designs and Geographical Indications has proved in document SCT/10/6 dated April 3rd, 2003 on “Internet domain names and Geographical Indications” (see paragraphs 225 and 226 as well as its annexes).

The power these TLDs may have as a locus to find wines on the web increases the risk of deceiving acts happening. According to the Spanish laws¹ on unfair competition and consumer protection, these acts are illegal (articles 5, 6 and 7 of Law 3/1991, of 10th January, on Unfair Competition and articles 19 and 20 of Royal Legislative Decree 1/2007, of 16th January, approving the Consolidated Text on the Law for the defense of consumer rights) and public authorities have a duty to counter them (article 51 of the Spanish Constitution).

As noted above, the Spanish Government must behave and defend the rule of law (articles 9, 97 and 103 of the Spanish Constitution). Our Law 3/1991, of 10th January, stipulates that certain acts of imitation and all reputation damaging acts are unlawful (articles 11 and 12). According to article 12, the use of a geographical indication identifying agricultural products for products not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like is regarded as an unfair commercial practice. This provision is inspired by article 23 of the TRIPS Agreement, which is also the source of article 18 of the Law

¹ All Spanish laws and regulations can be founded at www.boe.es.

24/2003, of 10th July, of Vineyard and Wine.

These provisions, together with the relevant European Regulations, are the basis of the Spanish legislation on geographic indication. We invite the Board Governance Committee to refer to the letter sent by the Commission on 29th July 2013 to GAC members to have a complete picture of the international and European legislation on the matter.

The Spanish Government must promote the development of all economic sectors, in particular, agriculture, according to article 130 of the Spanish Constitution. Spain was the third wine producing country in the World in 2012 in accordance with the International Organisation of Vine and Wine (29,7 million hectoliters and 11,8% of the total output). US ranked 4th with a production of 20,5 million hectoliters. 14,9 million hectoliters of the 29,7 million hectoliters of wine produced in Spain in 2012 carried an appellation of origin or any other geographic indication.

Spanish wine exports have been experiencing a decrease in quantity but a rise in selling price and that's due to a growing share of GIs wine exports. Spanish wine exports were 2.499,3 million euros worth in 2012, compared to 1.021.897 euros US wines reached the same year (see International Trade Policy Wine Institute's letter to ICANN at <http://www.icann.org/en/news/correspondence/lafaille-to-crocker-20jun13-en.pdf>). Spain remains as the third largest wine exporting country in 2012, after Italy and France while the US occupied the sixth position, with a total turnover of 1.077 million euros. French, Italian and Spanish wine products accounted for 56,4% of global output and 59% of export value. If we

add to that group German and Portuguese exports, they make up a 63,9% share of all exports whereas the six new exporting countries (Australia, New Zealand, Chile, US, South Africa and Argentina) topped at 28,7% in 2011.

Germany, United Kingdom, US and France are the main destination markets for our quality wines although Japan and China are becoming more and more important as export markets for Spanish wines.

There are approximately 4.000 wineries in Spain amounting to 0,73% of Spanish GDP. They are generally small enterprises made of family assets, with limited resources not only to litigate for their rights but to become aware of cybersquatters abusing their GI names.

The Spanish wine sector is, thus, one of the agricultural activities yielding more wealth to rural areas in Spain so it's vital for us to foster its sustainability and expansion.

7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.

As reflected in section 6, consumers and right holders are the stakeholders affected by resolution 2014.03.22.NG01. The protection of their legitimate rights has a public value as demonstrated above. The Spanish Government represents that public interest and as such, it is also entitled to assert this reconsideration request.

8. Detail of Board or Staff Action – Required Information

In the following section, the undersigned aims to provide the necessary details to prove that:

A) The Board has not considered certain material information.

Although the body of the Rationale for Resolution notes that "*several governments provided letters to the NGPC expressing the nature of their views on whether the GAC's advice on the .WINE and .VIN TLDs should be imposed*", the list of materials and documents reviewed by the NGPC as part of its deliberations does not list any of the documents provided by the European Union which should be duly taken into account:

- Letter 1: <http://www.icann.org/en/news/correspondence/kroes-to-chehade-crocker-12sep13-en>
- Letter 2: <http://www.icann.org/en/news/correspondence/kroes-to-icann-board-07nov13-en>
- Letter 3: <http://www.icann.org/en/news/correspondence/steneberg-to-crocker-et-al-03feb14-en>
- Letter 4: <http://www.icann.org/en/news/correspondence/schulz-to-crocker-et-al-19mar14-en>
- Letters sent by the European Commission to the GAC:
 - Letter sent by Linda Couregedo Steneberg to GAC members on 29th

July 2013.

- Letter sent by Linda Couregedo Steneberg to the GAC Chair on 19th September 2013.

Moreover, the NGPC has carefully reviewed the responses from .vin and .wine applicants to GAC advice on the matter but has left out of the scope of its Resolution the views of several other organisations and wine-related stakeholders (including US-based wine rightholders). The following communications are and were also published under ICANN's correspondence site at the time NGPC adopted Resolution 2014.03.22, and should be duly taken into account:

- Letter 1: <http://www.icann.org/en/news/correspondence/curbastro-to-crocker-et-al-23apr13-en>
- Letter 2: <http://www.icann.org/en/news/correspondence/barbier-to-crocker-et-al-26apr13-en>
- Letter 4: <http://www.icann.org/en/news/correspondence/figueroa-et-al-to-crocker-et-al-09jul13-en>
- Letter 5: <http://www.icann.org/en/news/correspondence/cakebread-to-crocker-08aug13-en>
- Letter 6: <http://www.icann.org/en/news/correspondence/curbastro-farges-to-crocker-et-al-19aug13-en>

- Letter 7: <http://www.icann.org/en/news/correspondence/goerler-to-crocker-29aug13-en>
- Letter 8: <http://www.icann.org/en/news/correspondence/baptista-to-crocker-15nov13-en>

They all point out at harm that can be caused to consumer interests and wine right holders if delegation is done without proper safeguards. However, applicants are worried about the «commercial viability of theTLDs» if more safeguards are applied (see, for instance, June Station LLC comment to the Buenos Aires Communiqué).

ICANN has a duty to serve public interest (article I.Section 2.6 of the ICANN Bylaws and points 3 and 4 of the Affirmation of Commitments) and it should not slant towards the applicants' interests only because they are only a limited subset of stakeholders (point 4 of the Affirmation of Commitments).

B) The ICANN Board NGPC has also based its Resolution upon inaccurate and misleading materials.

B.1 Misunderstanding about GAC consensus on “.vin” and “.wine”:

The action that was approved by the NGPC on 22.03.2014 is allegedly based on GAC consensus, whereas in reality a significant number of GAC members were in consensus not to allow the .WINE and .VIN applications to proceed through evaluation until sufficient additional safeguards were in place. The reality is that the GAC as a whole could not reach consensus, what does not necessarily imply

that the strings can proceed through the normal evaluation process without further consideration.

The letter from the GAC Chair to the Chair of the ICANN Board dated 09.09.2013 was sent without prior consultation of GAC members. As such, it represents a breach of GAC operating principle number 47. For it to have been given the weight that it deserves, the "opinion" conveyed by the GAC Chair should have been previously cleared with the GAC. The European Commission in its letter dated 03.02.2014 specifically covered this point and said "the EU, its Member States, Switzerland and Norway still believe that these general safeguards are not sufficient and that the Beijing Consensus was overruled inappropriately when the GAC Chair advised the Board to proceed with the delegation of the WINE gTLDs instead of presenting the different views on the matter and the fact that no consensus was reached." More details of this EU position can be found on the two letters sent on behalf of the EU Commission to GAC members and GAC Chair quoted above.

The GAC Chair's statement that "The GAC has finalised its consideration of the strings .wine and .vin and further advises that the application should proceed through the normal evaluation process" is not a consensus view of the GAC as per the aforementioned Operating Principle, but a mere interpretation and opinion of the GAC Chair.

B.2 Insufficient analysis of the legally complex and politically sensitive background:

The Buenos Aires Communique specifically refers to seeking a clear understanding of the legally complex and politically sensitive background on this matter in order to consider the appropriate next steps in the process of delegating the two strings.

The GAC has not received the terms of reference of the consultation addressed to Mr. Jérôme Passa. We wish we have received it for full transparency and proper evaluation of the NGPC action. However, it can be inferred from page 2 of Mr. Passa's report that the questions made fell short of the analysis the GAC recommended to carry out. The politically sensitive background of this matter has not been considered at all by ICANN's request of advice and the resulting report (i.e. the various attempts at creating a multilateral system of notification and registration of geographical indications for wines according to article 23.4 of the TRIPS Agreement or at launching a UDRP for GIs in WIPO).

Moreover, it is debatable whether the external expert legal advice is sufficiently reasoned. In addition, the Rationale for Resolution is vague and does not make reference to the specific grounds on the basis of which the resolution is taken, nor it addresses the specific arguments laid down in the legal advice received or makes reference to the panoply of letters and additional materials shared with the ICANN Board via formal correspondence.

B.3 Breach of ICANN Bylaws:

Perhaps one of the most relevant arguments is that Article XI-A section 1 subsection 6 of the ICANN By-Laws requires that "the GAC - in addition to the

supporting organisations or other advisory committees - shall have an opportunity to comment upon any external advice received prior to any decision by the Board". This important prerogative has not been respected.

Required Detailed Explanation:

The undersigned wishes to elaborate on points B.2 and B.3 contained above. Point B.1 is sufficiently developed as set forth above.

B.2 detailed explanation:

- On the process followed to seek expert external advice:

Can the NGPC provide explanations as per how and under what circumstances the legal expert/author was selected? Has there been any open and transparent competition based on a list of experts from which the author was retained? Was the expert/author chosen *ad personam*? Can the NGPC provide the necessary documentation or evidence that there is no conflict of interest between ICANN, any of the three applicants and the selected expert/author?

Taking into account that the Buenos Aires GAC Communique requested the Board to "*seek a clear understanding of the legally complex and politically sensitive background on this matter in order to consider the appropriate next steps in the process of delegating the two strings*" can the NGPC clarify why this

question was not addressed to the legal expert/author? What is the background information, if any, submitted to him? In particular, did ICANN inform him *in extenso* of the arguments raised by the interested parties involved, by the different GAC members and the correspondence received by ICANN as a follow up to the Buenos Aires Communique?

Pending clarifications from the NGPC expressed on its reconsideration of the challenged Resolution, it stems *prima facie* from the above that the circumstances related to the selection of the expert, the drafting and presentation of this report were neither transparent, nor objective, nor respectful of other parties' rights to be heard.

- On the scope of the consultation:

Although the Buenos Aires Communique seeks clarification of the legally complex and politically sensitive background and the next steps in order to delegate the two strings (please note that the GAC did not ask for the refusal to delegate the strings), Point 3, § 2 evidences that the author has only been "consulted on the specific issue of whether, on strictly legal grounds in the field of intellectual property law relating, in particular, to the rules of international law or fundamental principles, ICANN would be bound: a) to assign the new gTLDs in question to the applicant, or, to the contrary, to refuse to assign them in order to protect prior rights as mentioned above." The question is by all means misleading

and it was clear from the outset that ICANN is not legally bound by international law to automatically grant or reject an application. On the contrary, our understanding is that for all domain names for which an application was submitted, a series of legal safeguards should be put in place by ICANN or by the potential Registries in order to efficiently protect public and private rights and interests. These safeguards vary however depending inter alia on the nature of the domain names concerned, on the specific concerns expressed by the GAC and the objectors, on the applicable legislation.

The scope of the analysis is intentionally limited by ICANN as indicated in Point 3, § 6 since the author confirms that "Given the wording of ICANN's questions to the undersigned, this opinion will concentrate exclusively on the reasons why ICANN might be led to assign or refuse to assign the new gTLDs in question, in other words on the disputes which have arisen during the evaluation stage of the applications. It will not examine as its main focus questions and disputes likely to arise in the subsequent stage, following assignment of these new gTLDs during which the second-level domains open in the gTLDs will be exploited". In this regard, the most essential question is left out of the analysis and therefore it does not provide the necessary insights for the NGPC to respond adequately to GAC's requests.

As a consequence, half of the report (until "Secondly") is useless. Of course, "vin" and "wine" are generic terms and are not protected by geographic indications or

any other intellectual property right. So, ICANN is obviously legally unimpeded to grant those TLDs to whoever applies for them. But, that is not the question that has held up GAC advice for a year.

The NGPC has chosen to stick to this part of the report to accept "GAC advice" to proceed with the evaluation process without additional safeguards and does not reason on the concerns expressed by Governments and right holders or on the considerations expressed in other sections of Mr. Passa's report. Thus, Resolution 2014.03.22.NG01 is ill reasoned.

- On the author's opinion on the scope of GIs:

The second part of the report is severely wrong. He indicates that "a geographical indication does not enjoy absolute or automatic protection against any use of an identical or similar name by a third party", and refers to Article 22 of the TRIPS agreement which allegedly provides for protection where an indication is used in a manner which misleads the public. He further indicates that there are other provisions (i.e.: the Lisbon Agreement of 1958 or the EU relevant legislation (EU) No 1308/2013 on wines) that allow for a more extensive protection that includes the concept of evocation.

However, not only Article 22 of the TRIPS agreement also broadly encompasses (see point 2.b) thereof) "any use which constitutes an act of unfair competition

(...)" ; but in addition, Article 22 of the TRIPS agreement is an incorrect legal basis as far as wines are concerned. Actually, wines (and spirits) enjoy an additional explicit protection under Article 23 of the TRIPS agreement which is considered in international fora as including the aforementioned concept of evocation, and which does not require any "misleading test" to be performed. Concretely, should an operator use the term "JapanChampagne.vin" there would be a clear indication of the actual origin thereof, so at first sight no misleading of the consumer as to the geographical origin, and accordingly no infringement of Article 22 TRIPS; but there would be nonetheless a clear violation of the relevant Article 23.1 TRIPS which prohibits any inappropriate use of a geographical indication, including in translation and where the true origin of the product is indicated.

The examples given in point 9 of the report to illustrative the limited protection afforded by a GI are misguided in our view. A merchant can sell Rioja wines on-line but is not entitled to identify its website as rioja.wine since it is depriving the right holder from using it. Note that article 23 of the TRIPS Agreement even forbids the registration of the GI as a trademark for wines. On the other hand, a GI right holder could sell other products in its website (appliances to keep wine cold...) as well as other wines, provided that they are clearly distinguished from the wine holding the GIs. GIs do not impose commerce restrictions on right holders.

- On the need to lay down adequate safeguards:

The most rightful conclusion of the report has not been taken into account by the NGPC. Jérôme Passa concludes that if there are indications that GIs can be subject to abuse as second level domains, ICANN should take precautions to prevent damage from being done (points 10 and 11). Indeed, the NGPC should be aware of the long history of abuse of GIs under other generic TLDs. WIPO has conducted studies, like the one mentioned above, on the matter with a view to setting up a UDRP for GIs.

Nonetheless, it is not enough to force the Registry to remind registrants of third-party rights, as Jérôme Passa suggests. There should be an enforcement mechanism which until now remains the main stumbling block in this process. This mechanism can only be decided by ICANN.

B.3 detailed explanation:

The NGPC is bound by the Bylaws. Article XI Section 2.1 of the Bylaws –which Resolution 2014.03.22.NG01 refer to- is not the only section the Board must comply with in the implementation of the new gTLD programme. The Applicant Guidebook is not self-contained as the rule governing the gTLD programme and does not override the Bylaws, which is the superior norm to abide by.

Article XI-A Section 1 is also relevant as it details the procedure ICANN must follow to seek external expert advice. At least, two breaches have been committed in relation to the report commissioned to Mr. Passa:

- Article XI-A Section 1 3 b as to the appropriate source from which to seek the advice and the arrangements, including definition of scope and process, for requesting and obtaining that advice.
- Article XI-A Section 1 6 regarding the need to consult, among others, with the GAC on the analysis received before taking any action.

9. What are you asking ICANN to do now?

The undersigned respectfully request from ICANN to:

- a) reverse its Resolution 2014.03.22NG01 considering the aforementioned information and comments;
- b) while reconsidering, take into account the existing materials disregarded at the time of the NGPC Resolution 2014.03.22NG01 and listed in Section 8;
- c) grant sufficient time to applicants and interested parties to define the necessary safeguards for the .wine and .vin gTLDs, in order to reach a

proper agreement before the delegation of the .wine and .vin gTLD strings, without a deadline.

10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.

The grounds under which the Spanish Government has standing to assert this Reconsideration Request have been set forth in Section 6. They basically lie on the Spanish Constitution.

Below, we set out national and European regulations in the field of wines that support our request. International Treaties and EU bilateral agreements on the protection of GIs are not included. Please refer to letter from the EU Commission to GAC members on the 29th July 2013 for information.

- Law 24/2003, of 10th July, on Vine and Wine:

It must be highlighted that according to article 17 of this Law GIs are belong to the public domain in Spain, just the same as beaches, rivers or radio spectrum, so any misappropriation, sale or burden on them is forbidden. Like with other goods in the public domain, the Government has a duty to protect them.

Artículo 17 Titularidad, uso y gestión de los bienes protegidos

1. Los nombres geográficos protegidos por estar asociados con cada nivel según su respectiva norma específica, y en especial las denominaciones de origen, son bienes de dominio público y no pueden ser objeto de apropiación individual, venta, enajenación o gravamen.

La titularidad de estos bienes de dominio público corresponde al Estado cuando comprendan territorios de más de una comunidad autónoma y a las comunidades autónomas en los demás casos.

2. El uso y la gestión de los nombres protegidos estarán regulados por esta ley y las normas concordantes.

[...]

Artículo 18 Protección

1. Los nombres geográficos asociados a cada nivel no podrán utilizarse para la designación de otros productos del sector vitivinícola, salvo los supuestos amparados en la normativa comunitaria.

2. La protección se extenderá desde la producción a todas las fases de comercialización, a la presentación, a la publicidad, al etiquetado y a los documentos comerciales de los productos afectados. La protección implica la prohibición de emplear cualquier indicación falsa o falaz en cuanto a la procedencia, el origen, la naturaleza o las características esenciales de los vinos en el envase o en el embalaje, en la publicidad o en los documentos relativos a ellos.

3. Los nombres geográficos que sean objeto de un determinado nivel de protección no podrán ser empleados en la designación, presentación o publicidad de vinos que no cumplan los requisitos de dicho nivel de protección, aunque tales nombres vayan traducidos a otras lenguas o precedidos de expresiones como «tipo», «estilo», «imitación» u otros similares, ni aun cuando se indique el verdadero origen del vino. Tampoco podrán emplearse expresiones del tipo «embotellado en ...», «con bodega en ...» u otras análogas.

4. Las marcas, nombres comerciales o razones sociales que hagan referencia a los nombres geográficos protegidos por cada nivel únicamente podrán emplearse en vinos con derecho al mismo, sin perjuicio de lo previsto en la correspondiente normativa comunitaria.

5. Los operadores del sector vitivinícola deberán introducir en las etiquetas y presentación de los vinos, elementos suficientes para diferenciar de manera

sencilla y clara su calificación y procedencia, y para evitar, en todo caso, la confusión en los consumidores.

- European legislation:

European Regulations are directly enforceable in each of EU Member States (article 288 of the Treaty on the functioning of the European Union).

Regulation (EU) No 1308/2013 *inter alia* establishes rules regarding GIs in the wine sector, in order to protect the legitimate interests of consumers and producers (see article 92 thereof).

Article 103 of the said Regulation further indicates that a GI shall be protected against:

"(a) any direct or indirect commercial use of that protected name:

(i) by comparable products not complying with the product specification of the protected name; or

(ii) in so far as such use exploits the reputation of a designation of origin or a geographical indication;

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar;

(c) any other false or misleading indication as to the provenance, origin, nature or

essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, as well as the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product."

The Member States are accordingly bound to enforce such protection *ex officio*, and may not exclusively act upon request from an interested party (operators, consumers, etc...).

Also in that respect, Article 2 of Directive (EU) 2000/13/CE on the approximation of the laws of the EU Member States relating to the labelling, presentation and advertising of foodstuffs requires Member States to ensure that "*The labelling and methods used must not:*

(a) be such as could mislead the purchaser to a material degree, particularly:

(i) as to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production (...)"

Commission Regulation (EU) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No. 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products, which focuses in particular on GIs in the wine sector, likewise stipulates in Article 19 (2) thereof,

that "In the event of unlawful use of a protected designation of origin or geographical indication, the competent authorities of the Member States shall on their own initiative (...) or at the request of a party, take the steps necessary to stop such unlawful use and to prevent any marketing or export of the products at issue."

It stems from the above that both the European Commission and EU Member States are bound to take the appropriate measures in order to tackle any misuse of protected GIs.

In the present circumstances, considering on one hand the worldwide coverage of Internet, and the refusal of ICANN and accredited Registries and Registrar to establish specific and appropriate safeguards aiming at ensuring the protection of the EU GIs against any undue appropriation, one may not prevent the online advertising and marketing within the EU of wines through second-level domain names illegally referring to EU GIs, thus entailing huge potential confusion for the consumer, considerable losses for the right holders of these EU GIs, and extremely high costs in seeking judicial redress.

11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities?

Yes

No

11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.

The undersigned represents the Spanish Government (article 7 of the Law 50/1997, of 27th November, on the Government) and represents Spanish citizens and undertakings in the defense of the public policy interests that concerns them in the case in hand.

Do you have any documents you want to provide to ICANN?

If you do, please attach those documents to the email forwarding this request. Note that all documents provided, including this Request, will be publicly posted at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>.

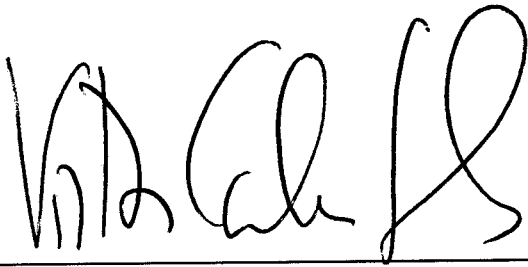
In Attachment:

**Letter from Linda Corugedo Steneberg to ICANN Board and the GAC:
"Follow-up to the 47th ICANN meeting (Durban, South Africa, 14-18 July 2013) – GEOGRAPHIC INDICATIONS: “.wine” and “.vin”**

Letter sent by Linda Couregedo Steneberg to the GAC Chair on 19th September 2013.

Spanish Institute for Foreign Trade (Instituto de Comercio Exterior, ICEX)

study on Spanish Wines statistics referred to 2012



A handwritten signature in black ink, consisting of several loops and strokes, positioned above a horizontal line.

8th April 2014

Signature

Date