



JAN 30 2014

Dr. Stephen D. Crocker  
Chairman of the Board  
Internet Corporation for Assigned Names and Numbers  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

Dear Dr. Crocker:


I am writing to ensure that the Internet Corporation for Assigned Names and Numbers (ICANN) Board is fully informed of the views of the United States Government regarding proposals for additional safeguards for geographical indications in the .wine and .vin new gTLD applications, consistent with the Government Advisory Committee (GAC) Buenos Aires Communique. The U.S. position, which has been shared with the membership of the GAC during all of its deliberations on this matter during 2013, is that the existing safeguards developed by the GAC and accepted by the ICANN Board provide sufficient protections to mitigate against possible abuses in domain name registrations at the second level in .wine and .vin.

The matter of special protections for geographical indications in the domain name system (DNS) has been debated for years, starting with the 2001 World Intellectual Property Organization (WIPO) 2 Internet Domain Name Process. No consensus was reached then, or in the intervening years. Even beyond the DNS, there is no international consensus on the protection of geographical indications more generally, both among members of WIPO or the World Trade Organization (WTO). In other words, there is no existing international understanding on several key aspects of protection for geographical indications, including the scope of that protection or the territoriality of geographical indications. In the absence of international consensus on this issue, which is rooted in the existence of different legal regimes applicable to geographical indications, it would be ill-advised for ICANN to attempt to define bad faith behavior related to the use of geographical indications in the DNS when the world's experts have been unable to do so for years.

Yet some governments have proposed that a select group of market participants, and potentially ICANN, agree to define bad faith very specifically: by instituting a presumption of bad faith where one country's geographical indication is registered as a domain name by another country's nationals. If ICANN were to approve this proposed approach as an additional safeguard, it would be putting itself in the position of creating new international precedent that would be inconsistent with many national legal regimes.

For these reasons, the U.S. supports the delegation of the new gTLD applications for .wine and .vin without additional safeguards or negotiations, beyond the safeguards previously adopted by the ICANN Board.

Sincerely,

  
Lawrence E. Strickling

cc:

Fadi Chehade, President and CEO, ICANN

Cherine Chalaby, Chair, New gTLD Program Committee, ICANN

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