

Hyderabad, 9 July 2013

**Dear Dr. Govind Ji,**

Sir, Andhra Pradesh Technology Development & Promotion Centre (APTDC) is an organisation promoted by the Government of India, Government of Andhra Pradesh and CII as a one-stop shop for providing services to industry in technology and Intellectual Property Rights by networking with global experts to fuel knowledge driven industrial growth.

APTDC is a member of the Organization for an International Geographical Indications Network (oriGIN) – the global alliance of Geographical Indications (GIs), representing today some 350 groups and over two-million producers. oriGIN advocates for the effective legal protection and enforcement of GIs at the national, regional and international level.

We have been closely following the Internet Corporation for Assigned Names and Numbers (ICANN) process for the attribution of new generic top-level domains (gTLDs) and **would like to thank the Governmental Advisory Committee (GAC) for its tremendous work carried out in this respect, aimed at ensuring that adequate safeguards concerning fundamental issues – such as security, privacy and the respect of the rule of law – were provided within the framework of new gTLDs exercise.**

In particular, we welcome the recent decision of the ICANN Board New gTLD Program Committee (NGPC), in its Approved Resolutions of 25 June 2013, to take into account the recommendations of the GAC formulated following the Beijing meeting, in particular the one concerning the string “.africa” and the one concerning the strings “.shenzhen” (IDN in Chinese), “.persiangulf”, “.guandzhou”, “.amazon” (and IDNs in Japanese and Chinese), “.patagonia”, “.date”, “.spa”, “.yun”, “.thai”, “.zulu”, “.wine”, and “.vin”. Moreover, **we welcome** the NGPC adoption of the GAC recommendations regarding the “Safeguards Applicable to all Strings” as well as **the NGPC decision to put on hold the attribution of new gTLDs consisting of generic terms. As such generic strings would grant an unjustified monopoly to private companies, we encourage the GAC – in Durban and beyond – to pursue its action in this respect and ensure that new gTLDs consisting of generic terms are of a truly open nature.**

**Finally, we would like to draw your attention to the limits that in our views the final draft of the new gTLD Registry Agreement still contains. The relevant provisions of “Specification 5” concerning geographical names which might be used in second level and/or other registrations (4. Country and Territory Name), in their current form, are by**

**no means sufficient to ensure the respect of the legitimate rights deriving from GIs. We believe that a proper system of dispute resolution based on the legitimate rights of GIs owners and beneficiaries should be established by the ICANN.** As GIs is mainly a system of small and medium sized enterprises – in the vast majority of cases small rural producers that play a crucial role in the sustainable development of their communities – it is crucial that such system takes into account the limited financial means of local producers and does not put an unnecessary financial burden to them. **We believe this might be the last opportunity to ask the ICANN to conform the new gTLDs process to the internationally accepted rules on Intellectual Property Rights (IPRs) and, therefore, fully consider GIs as prior rights deserving protection in case of irregular use in new gTLDs. In this respect, since 1994 the World Trade Organisation (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) – which has currently 159 Member States – recognizes GIs as an independent category of intellectual property, along with copyright, trademarks, patents and industrial designs. A vast majority of WTO Member States have issued specific laws on GIs and established transparent lists of the national and foreign GIs protected within their jurisdiction. Denying protection to GIs in the ICANN new gTLDs process would amount to not respecting the internationally recognised rules on IPRs and would weaken the overall new gTLDs system.**

We thank you in advance for the kind attention you will give to this crucial issue for APTDC and oriGIn. Meanwhile, we remain at your disposal for any further information you might require.

Yours Sincerely,

**Subhajit Saha**

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