

Ms. Neelie Kroes, Vice-President,
European Commission
BERL 10/224
1049 Brussels Belgium

Mr. Dacian Cioloș, Commissioner for Agriculture and Rural development
European Commission
B-1049 Brussels
Belgium

Geneva, 9 July 2013

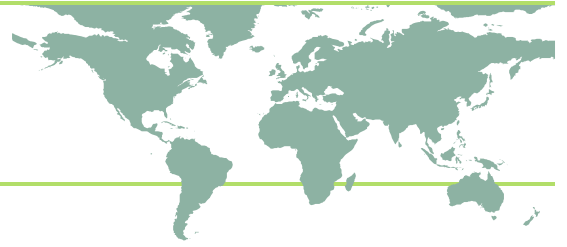
RE: The ICANN process for the attribution of new gTLDs and Geographical Indications

Dear Commissioners,

The Organization for an International Geographical Indications Network (oriGIn) is the global alliance of geographical indications – including some of the most internationally renowned European Protected Designations of Origin (PDO) and Protected Geographical Indications (PGI) – representing today some 350 groups and over two-million producers. oriGIn advocates for the effective legal protection and enforcement of geographical indications at the national, regional and international level.

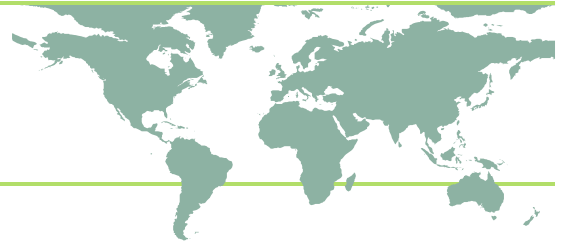
We have been closely following the Internet Corporation for Assigned Names and Numbers (ICANN) process for the attribution of new generic top-level domains (gTLDs) and **would like to thank the Governmental Advisory Committee (GAC) and the European Union and for their tremendous work carried out in this 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 and the European Union – 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 – as the large experience and success stories within the European Union clearly show – 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, including of course the European Union which has been one of the first countries



to act in this respect – 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 oriGIn and its Members. Meanwhile, we remain at your disposal for any further information you might require.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Riccardo Deserti'.

Riccardo Deserti,
oriGIn Vice-President for Europe,
Director of the
Consorzio Parmigiano-Reggiano (Italy)

A handwritten signature in black ink, appearing to read 'José Enrique Garrigós'.

José Enrique Garrigós,
oriGIn Vice-President for Europe,
President of the
CRIGP Jijona y Turrón de Alicante (Spain)

A handwritten signature in black ink, appearing to read 'Christian Amblard'.

Christian Amblard,
Member of the oriGIn Executive
Committee, Directeur AOPn
Comité Economique du Pruneau,
Délégué Général - Syndicat du Pruneau
d'Agen (France)

A handwritten signature in black ink, appearing to read 'Stefano Fanti'.

Stefano Fanti,
Member of the oriGIn Executive Committee,
Director of the
Consorzio del Prosciutto di Parma
(Italy)

CC: **Ms Linda Corugedo Steneberg**, Director, Directorate-General for Communication, Networks, Content and Technology, European Commission; **Ms Camino Manjon**, European Commission