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| Logo of the European Commission, 12 yellow stars on a blue background arranged in a circle and framed by two light grey graphic elements representing the Berlaymont building, which is the headquarter of the European Commission. | EUROPEAN COMMISSION |

**ICANN Policy Status Report: Uniform Domain Name Dispute Resolution Policy (UDRP)**

**Public Comment: European Commission**

**Fairness of the UDRP – non-recognition of geographical indications (GIs) rights**

In the age of the internet and increasing global commerce, the risk of falling victim to intellectual property (IP) infringements and other types of fraud has proliferated. As result, bad-faith domain names registrations containing or consisting of GIs names (e.g. cybersquatting) can constitute an infringement of GI rights.

Geographical indications are IP rights recognised and protected by international treaties, including the Paris Convention, the TRIPS agreement, the Lisbon Agreement and the Geneva Act of Lisbon Agreement.

A growing number of country-code top-level domain names (TLDs) systems, consider GIs as a valid title to activate alternative dispute resolution mechanisms concerning domain names registrations in conflict with IP rights.

Better protection of GIs on the internet is one of the main objectives of the new EU proposal to review the geographical indications (GIs) system for wine, spirit drinks and agricultural products adopted by the European Commission on 31 March 2022[[1]](#footnote-1). The new legal framework will increase the protection of GIs on the internet, namely as regards sales via online platforms and the protection against bad faith registration and use of GIs in the domain name system. The ccTLDs registries established in the European Union will have to ensure that their alternative dispute resolution procedures recognise geographical indications as rights that may prevent a domain name from being registered or used in bad faith.

The UDRP policy, which serves as an effective dispute resolution procedure for disputes concerning an alleged abusive registration of a domain names and is governed by ICANN went into effect 24 October 1999. Bad-faith registration of second-level domain names containing or consisting of GIs is a real issue, both in generic TLDs and country-code TLDs. In 2021, there was a record number of 5,128 cases of domain name disputes that were filed under the UDRP in the WIPO Arbitration and Mediation Center (+22% from 2020). The attribution of new gTLDs in 2012 has dramatically increased the problem for GIs (example of strings such as “.wine”, “.bio”, “.food”, “.pizza” and “.coffee”).

Currently, protection of GIs is not reflected in the UDRP. GIs cannot be directly invoked as valid rights to prevent domain names from being registered in bad faith. To activate the UDRP procedure, a right holder has to rely on trade marks or service marks. This puts GIs into an unfair position. Therefore, extending curative rights mechanisms to GIs would guarantee legal certainty, transparency, and tools to counter bad-faith domain name registrations. This extension would provide GI holders with the same rights as trade mark or service marks right holders currently have and it would make the UDRP a more fair and inclusive procedure. Inclusion of GIs would still preserve consistency and balance of the UDRP system.

In light of the above, the European Commission believes that to make the UDRP a fairer procedure and fully compatible with protection of IP rights, the UDRP should include GIs as valid prior rights in the UDRP procedure.

1. <https://ec.europa.eu/commission/presscorner/detail/en/IP_22_2185> [↑](#footnote-ref-1)