



Australian Government

Department of Communications

Dr Stephen Crocker  
Chair, ICANN Board  
12025 Waterfront Drive, Suite 300  
Los Angeles CA 90094-2536  
USA

Dear Dr Crocker

### **AUSTRALIAN GOVERNMENT POSITION ON .WINE AND .VIN**

In December 2013 the Australian Government wrote to elaborate on its views on geographical indications (GIs) in .wine and .vin. I am writing again to reiterate the Australian Government's view that the existing safeguards that ICANN has agreed to for all new gTLDs are appropriate and sufficient to deal with the potential for misuse of terms relating to GIs in these domains.

Under the widely accepted international standard (the Agreement on Trade-related Aspects of Intellectual Property Rights, or TRIPS), a GI is a way to identify a good that originates from a particular geographic location which gives the good a quality, reputation or other characteristic.

The Australian Government is concerned that proposals being put forward for additional conditions could unduly limit the legitimate use of GI-related terms, and unfairly restrict access to online avenues of trade. Domain names themselves are not GIs, and terms relating to GIs can legitimately be used as part of a domain name for a range of purposes. For example, the term champagne is recognised as a GI in Australia and, as a result, sparkling wine made in Australia may not be labelled as champagne. However, it is acceptable for an Australian wine retailer to sell champagne (that is, wine that is produced in the French region of Champagne under the rules of appellation). It is also acceptable for Australian entities to use the word champagne in business names and domain names, such as champagnedistributors.wine. In this example, the existing safeguards for new gTLDs would appropriately prohibit a fraudulent or deceptive use of that domain name, and require a process to deal with any complaints that may arise. Conditions additional to these could inappropriately obstruct legitimate trade.

As noted previously, the Australian Government considers that it would be inappropriate and a serious concern if the agreed international settings on GIs were redesigned through ICANN. The current protections for GIs are the outcome of carefully balanced negotiations. Any changes to those protections are more appropriately negotiated among intellectual property experts in the World Intellectual Property Organization and the World Trade Organization.

The Australian Government understands that some stakeholders have been negotiating directly with applicants, and is concerned that this could lead to the introduction of new conditions restricting the use of .wine and .vin. I would ask that the Board inform the GAC if it considers any application change requests relating to .wine and .vin, due to the high likelihood of third parties being materially affected by any changes to these applications.

In the interests of transparency, I have written to each of the applicants for .wine and .vin requesting to be informed if they are considering changes to their applications.

It is the Australian Government's view that the existing safeguards are appropriate and sufficient to deal with the potential for misuse of terms relating to GIs, and that the applications for .wine and .wine should be allowed to proceed without further delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Keith Besgrove', written in a cursive style.

Keith Besgrove  
First Assistant Secretary  
Digital Services  
Department of Communications

8 May 2014