



30 April 2014

Dr Stephen Crocker  
Chairman  
ICANN Board

Dear Dr Crocker

**.wine/.vin considerations**

You will be aware that the GAC Communique from the Buenos Aires meeting outlined two points of view on the matter of whether the proposed .wine and .vin top level domain name strings required particular safeguards in addition to those already agreed to by the Board intended to prohibit fraudulent or deceptive use of domain names.

The New Zealand Government considers that the general safeguard text already agreed to is sufficient to protect against such misuse of names, including geographical indications (GIs). We consider further safeguards involving protection of GIs are unnecessary. Such safeguards would have the unintended consequence of requiring ICANN to determine international standards for the protection of wine GIs. This is a matter best left for balanced negotiations among intellectual property experts in the World Intellectual Property Organization and the World Trade Organization.

The New Zealand Government, therefore, has no problem with the recommendation from the New gTLD Program Committee (NGPC) that .wine and .vin be delegated without further restrictions. However, we appreciate the concern on the part of the NGPC that as much as possible should be done to ensure that all points of view are recognised by extending the period for final approval by 60 days.

Nevertheless we are concerned that parties involved in the negotiations to date are not representative of the global wine industry. We understand that the European Federation of Origin Wines (EFOW) has invited applicants to meetings in Brussels in mid-May. We are not aware whether other representatives of wine industry have been invited to join those discussions. We do know, however, that New Zealand Wine, the representative association of New Zealand wine producers and grape growers, has not been invited and has not been a party to any negotiations to date.

We are also concerned that it appears that from letters sent to you by the European Commission, that it is not just GI protection that is at stake. It seems prohibition of extensions, such as champagnetraderson.wine, is also being sought. Such a string, of course, could be representative of a non-European company legitimately trading in champagne. This could be seen as an unjustifiable restriction of trade. This aspect is perhaps the most concerning because traders in wine (distributors, retailers etc as opposed to wine producers) are not represented at all in the negotiations.



The New Zealand Government is appreciative of efforts being made by ICANN to accommodate the concerns of relevant parties about appropriate use of the .vin and .wine strings. Nevertheless, we are of the opinion that that the general safeguards are adequate to accommodate concerns about fraudulent and deceptive use, and that there is no reason for the proposed delegations not to proceed.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'BP', is positioned above the typed name of the signatory.

Bruce Parkes  
General Manager, Resources Energy and Communications  
New Zealand Ministry of Business, Innovation and Employment