



Council of the European Union
General Secretariat

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: ICANN: Delegation process of .wine and .vin as gTLDs and Independent Review Procedure
- *Requested by the Presidency*

Delegations will find in Annex a document submitted by the Presidency to be presented under "Any other business" at the Council ("Agriculture and Fisheries") at its session on 10/11 November 2014.

ICANN: Delegation process of .wine and .vin as gTLDs and Independent Review Procedure

The ongoing ICANN New Generic Top Level Domain Program (gTLDs) presents some critical aspects concerning Intellectual Property Rights, in particular Geographical Indications.

During the July 14th 2014 Agriculture Council, the constructive efforts of the European Commission to cope with some of the most critical issues was unanimously appreciated. All Intellectual Property Rights (IPRs) should be equally protected under the new gTLDs Program. Nonetheless, strong concerns as to how these rights might be possibly protected under the said Program in an efficient and effective manner have been expressed both by EU Member States and the European Commission.

After the ICANN 51 meeting (Los Angeles, October 12 to 16, 2014) the delegation process of .wine and .vin strings as generic Top-Level Domains – gTLDs to individuals has not been completed by ICANN (Internet Corporation for Assigned Names and Numbers). This positive result was made possible thanks to the coordinated action of the European Commission, the Member States and the Organizations of European producers of Geographical Indications of wine.

We have recently been informed that Donuts – a US company which submitted an application for the assignment of “.vin” – also won “.wine” through a “private auction” for a few million US dollars.

Replying to the French Minister Axelle Lemaire (letter dated October 22th 2014), the President and CEO of ICANN noted that: “.wine was recently won in a private auction: if two applications from the three existing ones are soon withdrawn, it means that this pending situation could come to end.”

Nonetheless, he also pointed out that "it does not really matter how much was spent to win this Top-Level Domain nor it matters who won the auction because some problems remain to be solved: the protection of wine Geographical Indications".

The European Commission, in cooperation with Member States and the Organization of the producers of geographical indications of the European wine (EFOW) activated – unfortunately without success – one of the few measures available within the ICANN procedural framework: the Cooperative Engagement Process (CEP).

In this context, given the sensitivity of the topic, the European Commission is asked to provide the Agrifish Council with an update on the state of play of this issue. This update should also include information on the initiatives that the Commission would consider appropriate to undertake on the said delegation within ICANN framework, in close cooperation with the Member States, (including the Independent Review Process – IRP, a costly procedure to block the delegation process which can only be activated by the part which already activated the said CEP), and, more generally, on the sensitive issue of internet governance.
