

ANNEX

WIPO Recommendation on the Names and Acronyms of International Intergovernmental Organizations

“Noting, in particular, Article 6ter of the Paris Convention, to which 163 States are party,

“1. The Special Session recommends that the UDRP be modified to provide for complaints to be filed by an international intergovernmental organization (IGO)

A. on the ground that the registration or use, as a domain name, of the name or abbreviation of the IGO that has been communicated under Article 6ter of the Paris Convention is of a nature

(i)to suggest to the public that a connection exists between the domain name holder and the IGO; or

(ii)to mislead the public as to the existence of a connection between the domain name holder and the IGO; or

B. on the ground that the registration or use, as a domain name, of a name or abbreviation protected under an international treaty violates the terms of that treaty.

“2. The Special Session further recommends that the UDRP should also be modified, for the purposes of complaints mentioned in paragraph 1, to take account of and respect the privileges and immunities of IGOs in international law. In this respect, IGOs should not be required, in using the UDRP, to submit to the jurisdiction of national courts. However, it should be provided that decisions given in a complaint filed under the modified UDRP by an IGO should be subject, at the request of either party to the dispute, to *de novo* review through binding arbitration.

“3. The Delegation of the United States of America dissociated itself from this recommendation.”

(See documents SCT/S2/8, paragraph 88 and WO/GA/28/7, paragraph 79.)

WIPO Recommendation on Country Names

“6. Recalling the decision reached by the General Assembly at its meeting in September 2002, the majority of delegations favored amending the Uniform Domain Name Dispute Resolution Policy (UDRP) to provide protection for country names in the DNS.

“7. As regards the details of such protection, the delegations supported the following:

- (i)protection should be extended to the long and short names of countries, as provided by the United Nations Terminology Bulletin;
- (ii)the protection should be operative against the registration or use of a domain name which is identical or misleadingly similar to a country name, where the domain name holder has no right or legitimate interest in the name and the domain name is of a nature that is likely to mislead users into believing that there is an association between the domain name holder and the constitutional authorities of the country in question;
- (iii)each country name should be protected in the official language(s) of the country concerned and in the six official languages of the United Nations; and
- (iv)the protection should be extended to all future registrations of domain names in generic top-level domains (gTLDs).

“8. The delegations supported continued discussion on:

- (i)extension of protection to the names by which countries are familiarly or commonly known, and agreed that any additional such names be notified to the Secretariat before December 31, 2002;
- (ii)retrospective application of the protection to existing registrations of domain names, and in which alleged rights may have been acquired; and
- (iii)the question of sovereign immunity of States before the courts of other countries in relation to proceedings relating to protection of country names in the DNS.

“9. The delegations requested the Secretariat to transmit the said recommendation to the Internet Corporation for Assigned Names and Numbers (ICANN).

“10. The Delegations of Australia, Canada and the United States of America dissociated themselves from this decision.

“11. The Delegation of Japan stated that, while it did not oppose the decision to extend protection to country names in the DNS, further discussion was required concerning the legal basis for such protection, and stated its reservation to paragraph 7 herein, except for subparagraph (iv).”

(See documents WO/GA/28/7, paragraphs 80 to 81 and SCT/9/8, paragraphs 6 to 11.)

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