

## Initial Report of the WIPO-ICA UDRP Review Project Team

### oriGIn's comments

#### ***Introduction***

oriGIn is the global alliance of Geographical Indication (GI) groups, representing some 600 associations from 40 countries, dedicated to:

- i. campaigning for robust GI protection in national laws and international agreements;
- ii. promoting partnerships and the exchange of best practices among GI associations and specialists.

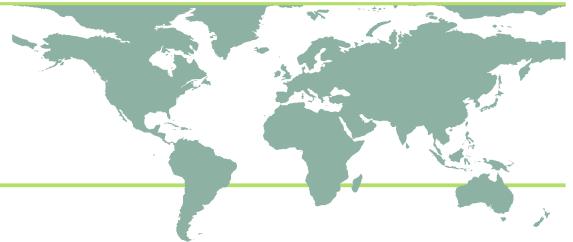
oriGIn welcomes the possibility to submit comments to the Initial Report of the WIPO-ICA UDRP Review Project Team.

#### ***Our Comments***

Our comments concern the paragraph “Scope of UDRP”. Like trademarks, GIs are increasingly targeted by cybersquatting practices seeking to exploit their reputation for misleading or fraudulent purposes. We advocate for the inclusion of GIs as legitimate rights under the UDRP.

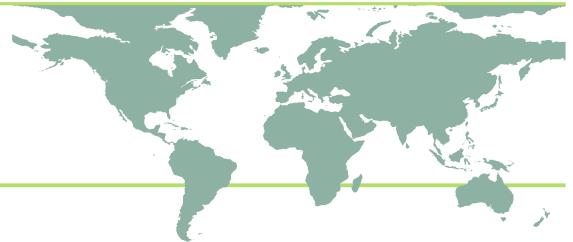
On the one hand, the Project Team recognizes that the success of the UDRP could encourage its expansion beyond trademark-based cybersquatting cases. On the other, it does not recommend that the ICANN’s Phase 2 Review consider, as part of its initial work, the expansion of the UDRP scope. The Project Team believes that such considerations should be addressed in a separate work track, if at all, to avoid adding to an already delicate and complex policy review process. In its view, expanding the scope of rights covered by the UDRP would introduce operational, procedural, and substantive complexities which would make ICANN’s Phase 2 Review more complex than it is expected to be.

First of all, we find this reasoning contradictory. The Project Team recognizes that the UDRP success encourages its expansion to other rights, such as GIs. This would certainly increase the legal certainty in the domain name environment, which should be a primary objective. Not recommending such expansion based on the alleged complexity of the process does not seem a convincing argument. Complexity does not seem a sufficient argument to prevail over legal certainty.



Having said that, we do not agree with the view that expanding the scope of rights covered by the UDRP to GIs would introduce operational, procedural, and substantive complexities in the review process. In this respect:

- a. GIs represent an internationally accepted category of Intellectual Property Rights (IPRs) – recognized by the WTO TRIPs Agreements, the WIPO Geneva Act, hundreds of bilateral agreements, national laws. We estimate that at least 20,000 GIs are currently recognized in regional and national jurisdictions, the large majority of which under independent protection systems.
- b. Information concerning such IPRs – names protected, right holders, product type, priority date, status, etc. - are made available (often online) by national/regional authorities and IP offices (e.g., [Glview](#)).
- c. Several ccTLD Alternative Dispute Resolution procedures around the world expressly recognize GIs as valid titles to activate curative mechanisms similar to the UDRP (e.g., .eu, .fr, .mx, etc.). These systems operate successfully in practice, confirming that extending protection to GIs introduces no undue procedural complexity and can be managed efficiently.
- d. As no substantial trademark law is applied under the UDRP, no substantial GI law would be applied in case of expansion to GIs.
- e. One single and simple amendment to the UDRP (paragraph 4(a)(i)) is needed to achieve this: *“The domain name is identical or confusingly similar to a trademark, service mark or geographical indication in which the Complainant has rights”*.
- f. Including GIs in the scope of the UDRP would significantly enhance consistency and predictability in case law. Currently, GI holders who attempt to rely on the UDRP by analogizing their rights to trademarks are often met with divergent outcomes, depending on the panel's interpretation. This legal uncertainty discourages right holders from initiating proceedings and weakens the enforcement of legitimate rights. Such unpredictability runs counter to UDRP Rule 15(a), which states that *“a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable”*. While Rule 15(a) gives panels discretion to apply relevant legal principles, the absence of explicit recognition of GIs in the Policy leads to inconsistent interpretations. Recognizing GIs explicitly as valid rights under the UDRP would promote a harmonized and fair application of the Policy, better guiding panel discretion in line with international IP norms.
- g. The lack of consistent protection under the UDRP also allows deceptive websites to persist, misleading consumers about the origin and authenticity of



goods, particularly in food, wine, and craft sectors where GIs play a critical reputational role. This not only harms producers, but also undermines public trust in the DNS as a reliable source of information.

## **Conclusions**

We would like the Project Team to take into account the following considerations:

- i. Bad faith registration of second-level domain names consisting of, or containing, GIs is an urgent issue, particularly in gTLDs. The upcoming 2026 new gTLD round will increase the number of domains available for registration, and without UDRP protection for GIs, the risk of cybersquatting will escalate substantially. Proactive reform is more efficient than reactive and costly enforcement.
- ii. The current UDRP is unfair to the extent that it excludes an internationally recognized category of IPR such as GIs.
- iii. To ensure the UDRP is fully aligned with the internationally accepted IPRs norms, GIs should be expressly recognized as valid prior rights capable of activating the UDRP procedure.
- iv. Expanding the UDRP to GIs would improve the consistency of decisions and provide clearer guidance to both right holders and registrants. This would reduce reliance on subjective panel interpretations and foster legal certainty that underpins effective ADR.
- v. Recognizing GIs in the UDRP would align ICANN policy with key international IP instruments, including the WTO TRIPS Agreement. This reinforces ICANN's credibility as a global governance actor committed to multilateral legal standards.
- vi. Excluding GIs from the UDRP leaves consumers vulnerable to deception. Bad faith registrations of domain names containing protected GIs often mislead users into believing they are accessing genuine products. This undermines consumer trust, facilitates fraud, and distorts fair competition. Including GIs under the UDRP would strengthen consumer protection and support ICANN's commitment to trust, transparency, and integrity in the DNS.