



COMMENT ON THE INITIAL REPORT OF THE WIPO-ICA UDRP REVIEW PROJECT TEAM

Champagne wine growers and Champagne wine producers are associated in the Comité interprofessionnel du vin de Champagne ("Comité Champagne"). Majority of our members are micro, small and medium-sized enterprises (MSMEs), often across-generations, family-owned businesses firmly associated to the land and terroir. These are businesses and people proud of their heritage and their products that compete with quality and the recognition of the name Champagne.

Regrettably, their product names, and wine place names around the globe, are being increasingly misused online, including but not limited to abusive domain name registration. Like brand names, renowned place names have an essential role in increasing consumer confidence and ability to recognize products, rewarding producers and communities that have invested in the name, thus providing them sustainable business operations.

Growing misuse of renowned place names online requires an effective way to dispute, cease and correct. Unfortunately, the currently available avenues are resource-intensive and lengthy, incentivizing misleading and harmful practices.

The UDRP represents a unique avenue to correct this shortcoming. We are truly surprised that the initial report of the WIPO-ICA UDRP Review Project Team actively recommends against expanding the scope of the UDRP. We hereby offer arguments towards adjust this recommendation in the final report.

We draw your attention to the following key arguments.

1. **Once-in-a-generation opportunity to react to developments.** With the rapid growth of e-commerce, the risk of abuse and misappropriation of place names and GIs online increases significantly. Domain names that misuse geographical indication (GI) terms can easily mislead consumers, harm legitimate producers, and damage the economic value and reputation of GIs. Considering the experience with past reviews and the time it takes to agree changes, the ICANN Phase 2 Review is a unique opportunity to update the system, there is unlikely to be a next chance in the foreseeable future.
2. **Granting GIs the same legal tools as trademarks.** The Scope of UDRP segment of the report and related recommendation looks at IP rights at large. However, we argue that GIs and trademarks should be explored closer together:
 - a. *Both are distinctive signs:* identify and differentiate products on the market and help consumers recognize the origin of goods.
 - b. *Similar legal challenges:* GIs face the same threats as trademarks – misuse, imitation, cybersquatting, unfair competition – especially in digital environments where enforcement tools are complex.



- c. *Ensuring legal consistency.* while trademarks benefit from robust legal tools, such as the UDRP and TMCH, GIs are excluded, creating legal imbalance and weakening the protection of legitimate and recognized rights. Granting GIs access to the same legal tools ensures consistency, fairness and level playing field in global IP ecosystem.
3. **Public interest and economic impact.** GIs represent collective, cultural, and regional interests. Ensuring their protection supports rural and local economies, preserves heritage, allows sustainable innovation, and guarantees fair competition.
4. **Universal nature of the subject matter.** The “U” in UDRP is essential as it makes the system what it is. However, trademarks are no more universal than GIs. The WIPO Madrid system is not universal as number of key economies are not members, same goes for the Lisbon system and its Geneva Act. The WTO TRIPS Agreement recognizes both trademarks and GIs. Some jurisdictions may promote GIs internationally less than others, but even those countries have a national system of recognition of place names, e.g. the American Viticulture Areas (AVAs) in the USA.
5. **The link between effective protection and domain name registration.** The next round of new gTLD applications is projected in April 2026, first time since 2012 for this window to open. There is a clear correlation among GIs holders between access to an effective and efficient legal tool such as the UDRP and their motivation to apply for and pay for gTLDs. Expanding, or at the very least having a path to expansion of the UDRP would be a win-win scenario.
6. **Wine and spirits GIs are special.** Wines and spirits are considered a specific sector internationally and from various viewpoints. From an intellectual property perspective, the WTO TRIPS Agreement awards additional protection to wines and spirits GIs (Art 23), wines and spirits account for just under half of the GIs and appellations of origin registered in the WIPO Lisbon system. Also bilaterally, the EU and the US have concluded a Wine Trade Agreement in 2006 which provides for recognition of certain names of origin in each other’s market. This internationally recognized wines and spirits place names/GIs warrants a consideration in further proceedings.

We therefore propose the WIPO-ICA project team to amend the recommendation on Scope of UDRP to either:

- Recommend the ICANN Phase 2 Review to consider as part of its initial work charter the expansion of the scope of the UDRP; or
- Recommend the ICANN Phase 2 Review to consider as part of its initial work charter the expansion of the scope of the UDRP to GIs; or
- Recommend the ICANN Phase 2 Review to consider as part of its initial work charter the expansion of the scope of the UDRP to GIs, starting with a pilot project on wines.

We also note with interest the second paragraph of the relevant draft recommendation, suggesting a separate track to consider expansion. We are ready to work with you and ICANN in this direction, for example via a pilot project for internationally recognized wine place names. However, we suggest the sentence to be adjusted as follows, not to prescribe or degrade a separate work track.



*Should ICANN's Phase 2 Review fail to expand scope,
we believe that any such scope consideration be
addressed in a separate work track, ~~if at all, in order to~~
~~avoid adding to an already delicate and complex policy~~
~~review process.~~*

We strongly disagree with WIPO putting forward a negative recommendation, essentially preventing an engagement between the GIs and ICANN communities, a process that has been called for and its intensification has been encouraged by various stakeholders. We have been engaged in such engagement in good faith, we have been encouraging other stakeholders to do the same.

Therefore, we would consider it an affront should WIPO so grossly intrude on engagements and collaboration across communities and across IP stakeholders.

The Comité Champagne remains available to consult on the above in further detail. We urge WIPO to reconsider this recommendation, and ICANN to ensure that that GIs holders are not systematically excluded from effective digital protection tools. We believe that the UDRP is a uniquely positioned mechanism and expanding its scope to GIs would motivate GIs-reliant businesses and communities to register domain names and protect them against misuse.

Epernay, 26 June 2025