EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications
The Director

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EC Comments on the Initial Report of the WIPO-ICA UDRP Review Project Team

The European Commission welcomes the opportunity to provide feedback on *the Initial Report of the WIPO-ICA UDRP Review Project Team*.
The European Commission notes with concern the Project Team's recommendation not to expand the scope of the Uniform Domain Name Dispute Resolution Policy (UDRP) to include other intellectual property rights, notably Geographical Indications (GIs), within the initial work charter of ICANN's Phase 2 Review. While the Report acknowledges that such an expansion is "in theory possible," it raises concerns about the operational, procedural, and substantive complexities this could introduce. It concludes by recommending that scope expansion should not be part of the initial work and suggests that any such consideration should be addressed separately, "if at all." The European Commission respectfully encourages a reconsideration of this recommendation.

The European Union has a robust legal framework for the protection of GIs, and also protects its GIs at the international level through bilateral and multilateral agreements.

Geographical indications are important intellectual property (IP) rights, recognised and protected under several international treaties, including the Paris Convention, the TRIPS Agreement, the Lisbon Agreement and the Geneva Act of the Lisbon Agreement.

However, GIs cannot currently be directly invoked as valid rights in the UDRP procedure. The absence of any mechanism under the UDRP to challenge bad-faith domain name registrations that abuse GIs leaves legitimate right holders without access to a fast and cost-effective dispute resolution procedure outside of court litigation. This gap creates inconsistency in the protection of IP rights online.

Like trademarks, GIs are vulnerable to, and frequently targeted by, abusive domain registrations. Numerous examples demonstrate the misuse of GIs in domain names by registrants with no legitimate connection to the geographical origin or product concerned. These registrations often aim to deceive consumers, divert traffic or extract commercial value from the reputation of GI protected names.

Moreover, many GIs globally are managed by small or medium-sized producer groups that often lack the financial and administrative capacity to maintain trade mark registrations, including collective or certification marks, solely for the purpose of accessing domain name dispute mechanisms like the UDRP. Including GIs directly within the scope of the UDRP would provide a more equitable and affordable alternative for these groups and would better reflect the nature of GI protection as a public and collective right.

Importantly, the inclusion of GIs in the scope of the UDRP was considered by WIPO already at the time of the UDRP's creation in 1999. At that time, the international GI

framework was still evolving. For that reason, it was suggested then that the framework needs to be further advanced before the extension of the UDRP scope to GIs could be considered. Today, however, after 25 years, the international landscape for GI protection has changed substantially:

- **Broader adoption of GI systems:** Many countries have since adopted sui generis GI systems. As a result, since 1999, GI protection outside the trade mark system is now widespread worldwide.
- **Expansion of the DNS and exposure of GIs**: The 2012 expansion round of new generic top-level domains (gTLDs), including gTLDs ".wine" and ".vin", highlighted the vulnerability of GIs in the absence of any ICANN safeguards for their protection in this process. The upcoming 2026 gTLD expansion round poses even greater risks for GIs, especially since GI holders still lack remedial mechanisms such as UDRP to address potentially abusive gTLDs registrations.
- **Established practices in ccTLDs dispute resolution procedures:** Finally, there have also been important developments in the dispute resolution procedures of country code top-level domains (ccTLDs) around the world. Several ccTLDs have adopted domain name dispute resolution procedures that are modelled according to the UDRP but which, in addition, recognise GIs as a valid right that can be invoked in these procedures. Within the EU, important developments were introduced by Regulation (EU) 2024/1143 (for agri-food GIs) and Regulation (EU) 2023/2411 (for craft and industrial GIs), which require all EU-established ccTLDs to recognise GIs in their alternative dispute resolution (ADR) procedures. Even prior to these regulations, numerous EU ccTLDs already recognised GIs.

Moreover, beyond the EU, other ccTLDs worldwide include GIs in their domain name dispute resolution procedures: for example, .mx (Mexico) explicitly accepts designations of origin, and .cn (China) allows domain name disputes to be based on any names in which complainants have civil rights or interests. These practices demonstrate that recognition of GIs as a valid right in domain name disputes is feasible and does not present insurmountable challenges.

In conclusion, while the WIPO-ICA Initial Report advises against expanding the scope of the UDRP in the context of the upcoming Phase 2 Review, it acknowledges that this issue could possibly be explored in a separate work track. The European Commission respectfully invites WIPO to undertake a substantive analysis of the technical, financial and legal implications of integrating GIs into the UDRP or, alternatively, developing a dedicated dispute resolution mechanism for GIs and domain names.

Extending the scope of the UDRP to include GIs would grant GI right holders access to the same legal remedies currently available to trade mark holders. The continued exclusion of GIs from the UDRP represents a significant gap in the international domain name dispute resolution system that should be addressed without delay.

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