

Origin Italia answer to the Consultation on WIPO-ICA UDRP Review Project

Origin Italia (Italian Association of Geographical Indication Consortia) wishes to share its perspective on the preliminary report of the Uniform Domain Name Dispute Resolution Policy (UDRP) review project promoted by WIPO-ICA. We express our deep regret that, despite recognizing the success and potential of the UDRP, the working group has advised against considering its extension to other legitimate intellectual property rights, such as Geographical Indications (GIs), within the scope of ICANN's Phase 2 Review.

By limiting access exclusively to trademark holders to combat bad faith domain name registrations, the current UDRP fails to consider the rights and interests of holders of another important category of intellectual property rights (IPRs), namely Geographical Indications, which are equally susceptible to abuse in the domain name environment.

Geographical Indications represent an autonomous category of IPRs, protected under international, regional, and national legal frameworks. Specifically, their status is established in the WTO's TRIPS Agreement (Articles 22–24) and in the Geneva Act of the Lisbon Agreement, administered by WIPO. Furthermore, WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) continues to contribute to the normative development of legal instruments and policy frameworks relating to GIs.

Currently, more than 20,000 GIs are officially recognized worldwide, the majority of which are protected under independent legal systems. GIs are internationally acknowledged as a legitimate form of IPR and should therefore be granted the same consideration as trademarks under the UDRP.

The urgency to extend UDRP protection to GIs has become even more apparent following the introduction, in 2012, of new generic top-level domains (gTLDs) such as ".wine", ".bio", ".food", ".pizza" and ".coffee", which revealed a growing commercial interest in the use of distinctive geographical names in the domain name space. The exclusion of GIs from the UDRP exposes both producers and consumers to a higher risk of abuse, while denying them access to an effective, fair, and affordable dispute resolution mechanism.

Origin Italia urges ICANN and WIPO to reconsider the initial report and seize the opportunity to initiate a constructive dialogue on the inclusion of GIs in ICANN's Phase 2 Review of the UDRP, with the goal of recognizing GIs as intellectual property rights worthy of protection within the domain name dispute resolution framework.

We reaffirm our full willingness to cooperate with ICANN, WIPO, public authorities, and all relevant stakeholders to broaden the scope of the UDRP, ensuring that all categories of IPRs – including Geographical Indications – benefit from an effective tool to combat abuse in the domain name system.

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