

## **Regulatory Council of Jabugo (PDO) answer to the consultation on WIPO-ICA UDRP Review Project**

JABUGO (PDO) would like to give its input on the initial report of WIPO-ICA Uniform Domain Name Dispute Resolution policy (UDRP) review project. We deeply regret that, despite acknowledging the success and potential of the UDRP, the Project Team has advised against exploring its expansion to cover other legitimate intellectual property rights, such as Geographical Indications, within ICANN's Phase 2 Review

By limiting access to trademark holders to address bad faith registrations, **the UDRP fails to take into account the rights and interests of holders of other important category of Intellectual Property Rights (IPRs), such as Geographical Indications (GIs),** which may also be vulnerable to misuse in the domain name environment.

Geographical Indications constitute a distinct category of intellectual property rights (IPRs) with established protection under international, regional, and national legal regimes. In particular, at the international level, their status is codified in the WTO TRIPS Agreement (Articles 22–24) but also in the Geneva Act of the Lisbon Agreement administered by WIPO. Moreover, WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) continues to engage in the normative development of GI-related legal instruments and policy frameworks.

There are at least 20,000 GIs currently recognized in national jurisdictions, the vast majority of which are protected under independent systems. **GIs are internationally recognised as a form of IPR and should therefore be treated on the same level as trademarks under the UDRP.**

The call to expand UDRP to GIs is even more pressing since introduction of new gTLDs in 2012 such as ".wine," ".bio," ".food," ".pizza," and ".coffee." which have shown the "appetite" for using valuable and distinctive geographical names in the domain name environment. **The exclusion of GIs from the UDRP leaves GI producers and consumers vulnerable to domain name abuse and, more worryingly, denies them of a fair and affordable dispute resolution system.**

**JABUGO (DOP) calls on ICANN and WIPO to review the initial report and to seize on the ongoing work to start discussing the inclusion of GIs in ICANN's Phase 2 Review of the UDRP with a view to recognize GIs as IP rights eligible for protection under the UDRP.**

We stand ready to work with ICANN, WIPO, public authorities and all relevant stakeholders to broaden the scope of the UDRP to ensure that all categories of IPRs, geographical indications included – benefit from an effective enforcement tool to combat domain name abuse