



INITIAL REPORT OF THE WIPO-ICA UDRP REVIEW PROJECT TEAM

Date : Friday, 27th June 2025

ABOUT BUREAU NATIONAL INTERPROFESSIONNEL DU COGNAC (BNIC)

The Bureau National Interprofessionnel du Cognac (BNIC) is the interbranch organisation aimed at developing, representing, and defending the collective interests of Cognac winegrowers and trade houses. Cognac is a Geographic Indication (GI) for a wine spirit produced in the Cognac delimited area, in France, in respect of a strict product specification defined and protected by French and European Union (EU) laws and regulations. BNIC's main missions are to protect the Cognac GI all over the world. BNIC has also been recognized by the French administration as the Defence and Management Organization (DMO) for the Cognac GI, with a competence to define Cognac's product specification and monitor its control plan. By virtue of the French interministerial Decree dated July 27th, 2003, BNIC is also delegated by the French Customs authorities (DGDDI) to monitor the ageing of Cognac wine spirits and to deliver the Cognac certificate, attesting the origin and for the countries requesting it, the age of the youngest component of the blend.

BNIC's OBSERVATIONS

The joint Project Team of WIPO and the ICA, tasked with reviewing the UDRP policy, acknowledges that the success of the UDRP could justify extending its scope beyond trademark-based cybersquatting cases. However, it recommends that ICANN's Phase 2 Review should refrain from exploring such an extension, in particular for GIs, citing concerns over potential procedural and substantive complexities.

While we acknowledge that procedural aspects must be carefully considered, we respectfully submit that they should not, on their own, serve as a reason to exclude GIs from the scope of the upcoming review. We express our deep concern regarding this recommendation, which effectively precludes GIs from benefiting from the important discussions ahead.

Regrettably, the GI Cognac is regularly misused online, including through abusive domain name registrations. Just like trademarks, GIs play a vital role in ensuring consumer trust, enabling product recognition, and rewarding producers and trade houses who have invested in building the reputation of these names (often over generations) thereby supporting sustainable local economies. The growing misuse



of GIs in the digital space urgently calls for an effective and accessible mechanism to contest, stop, and rectify these abuses. The procedures currently available are too resource-intensive and time-consuming, allowing misleading and harmful practices to persist. Failing to include GIs in the UDRP review perpetuates this gap and undermines the protection of legitimate rights.

In view of the above, the following points should be taken into consideration:

- GIs are fully recognized as intellectual property rights by several international legal instruments (such as the TRIPS Agreement – Agreement on Trade-Related Aspects of Intellectual Property Rights, bilateral agreements between the European Union and third countries, etc.), in the same way as trademarks. Furthermore, they benefit from a robust legal framework, notably through the Geneva Act of the Lisbon Agreement, administered by WIPO (which is part of the Project Team). As distinctive signs, GIs and trademarks both identify and differentiate products on the market, and help consumers recognize origin and/or authenticity. Denying GIs access to the UDRP undermines legal consistency and weakens the protection of recognized rights.
More information on the management and protection of GIs are available on the [GIview](#) platform.
- Several national domain name extensions (ccTLD such as .eu, .fr, .mx etc..) already recognize GIs as valid rights for initiating UDRP-type mechanisms which work effectively and without introducing undue complexity. Furthermore, the recent EU Regulation No.2024/1143 has increased the level of GI protection within the ccTLD space, notably by requiring that dispute resolution procedures allow registered GIs to be invoked as enforceable rights. This is a strong example of how GIs and trademarks can be treated with equal procedural tools. We therefore encourage extending this level of protection to all domain names under the UDRP to ensure consistency, fairness, and a level playing field across the global IP ecosystem.
- GI holders are exposed to increased abuse in the digital space (cybersquatting, typosquatting, counterfeiting, and misappropriation), and are deprived of a simple, rapid, and affordable remedy. Instead, they are forced into lengthy and costly judicial proceedings, despite facing the same legal challenges as trademark holders.
- From a consumer protection perspective, the lack of protection for GIs regarding gTLDs allows misleading and fraudulent websites to persist. Consumers may be led to believe they are purchasing authentic products linked to a specific characteristics and geographical origin, while in reality they



are exposed to deception regarding the true origin and nature of the product. Effective protection of GIs also serves the public interest by safeguarding cultural heritage and ensuring transparent market practices. As with trademarks, consumers deserve protection from confusion and fraud, regardless of whether a product's reputation stems from a brand name or a geographical indication.

- The launch of the new gTLD round in 2026 will significantly increase the number of domain names available for registration. If GIs remain outside the UDRP's scope, the risk of cybersquatting and abuse will seriously increase. There is a clear correlation between access to an efficient legal remedy such as the UDRP and the willingness of GI holders to register and invest in domain names. Introducing a pathway for GIs within the UDRP would prevent future abuse, support market confidence, and avoid the burden of reactive enforcement. Addressing the issue now is not only more efficient, it also aligns with the public interest and the protection of legitimate rights. Given the time needed to implement policy reform, this Phase 2 Review represents a once-in-a-generation opportunity to modernize the system. We strongly urge ICANN not to miss it.

BNIC'S REQUESTS:

Therefore BNIC respectfully submit the following requests:

1. Reintroduce the issue of Geographical Indications in the UDRP Review Process

We call for the re-inclusion of GIs as a specific topic within the scope of ICANN's Phase 2 Review of the UDRP. We note with concern that certain elements of the current draft recommendation appear to close the door prematurely on this important discussion. This would risk excluding an entire category of legitimate rights holders from an essential digital enforcement tool, despite their active and constructive engagement.

We therefore suggest that the recommendation on the Scope of the UDRP be adjusted to either:

(i) invite the Phase 2 Review to examine the possible expansion of the UDRP; or (ii) consider the inclusion of GIs in particular; or (iii) launch a pilot track focused on internationally recognized GIs.

2. Ensure the Participation of GI Stakeholders in the UDRP Review Process

We strongly advocate for the involvement of relevant stakeholders representing GIs (including producer groups, public authorities, and international organizations) in the dialogue surrounding the UDRP policy review. Their expertise and perspectives are essential to achieving a balanced, inclusive, and legally coherent outcome. Should the inclusion of GIs in the core UDRP scope not



be feasible at this stage, we would welcome the creation of a dedicated track to examine this issue more closely, in a staged and collaborative manner.

3. Recognize Geographical Indications as valid prior rights in the UDRP procedure

We call for the inclusion of Geographical Indications (GIs) in the scope of rights that can be invoked in UDRP proceedings. To this end, we suggest amending paragraph 4.a.i of the UDRP Policy as follows: *“You are required to submit to a mandatory administrative proceeding in the event that a third party (a “complainant”) asserts to the applicable Provider, in compliance with the Rules of Procedure, that (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.”* This amendment would ensure consistency across IP rights, recognizing that GIs, like trademarks, are distinctive signs facing the same types of digital abuse . Moreover, expanding access to UDRP procedures would encourage GI-based communities and businesses to invest in domain name registrations and digital branding, reinforcing fair competition and consumer trust online.

The BNIC remains at the disposal of the Project Team and ICANN to further engage on this matter and contribute to a fair and effective framework for the protection of all legitimate rights on internet.