



International Chamber of Commerce

The world business organization

Department of Policy and Business Practices

ICC Response to Request for Comments 3 of the WIPO Second Domain Names Process

Commission on Intellectual and Industrial Property, 14 June 2001

ICC is the world business organization. Grouping together thousands of member companies and associations from over 130 countries, it is the only representative body that speaks with authority on behalf of enterprises of all sizes and sectors in every part of the world.

ICC appreciates the opportunity to present the views of the international business community on the interim report resulting from WIPO's second domain name process concerning the abusive use of real-world identifiers, other than trademarks, in the Domain Names System. WIPO is to be congratulated on issuing recommendations that are balanced and sensible, reflecting the extensive consultation undertaken to develop them.

It is important that the implementation of any recommendations do not unduly disrupt the domain names system and that any proposals will not prove overly burdensome to business or hinder the continuing development of internet commerce. ICC urges WIPO to continue to consult with all interested parties as this exercise develops and stands ready to further assist WIPO in its efforts.

ICC therefore generally supports the interim report, but believes that due consideration must always be given to potential problems raised by differences in national rules and practices relating to IP rights. A few specific comments are set out below:

- ICC supports WIPO's recommendation to exclude the cumulative list in Latin, English, French, Russian and Spanish of International Non-proprietary Names for pharmaceuticals (INNs) from possible registration as domain names in the open gTLDs and to cancel existing registrations of such INNs.
- The recommendation that names of International Intergovernmental Organisations (IGOs) protected under the Paris Convention and the TRIPS agreement should be excluded from registration gTLDs is supported by ICC. However, ICC questions the need for granting additional protection to IGOs by way of an administrative procedure for abusive domain name registrations by third parties.
- With respect to Personal Names, ICC supports that the existing Uniform Dispute Resolution Policy should allow (and actually does allow) complainants who can assert distinctiveness in their name (meeting certain criteria) to protect these Personal Names against bad faith applications. The current UDRP system already allows such protection and therefore it is not necessary to extend its scope as suggested in the second and third options presented in paragraph 185 of the interim report.
- ICC believes that it would be desirable to extend the UDRP to protect Geographical Indications and Indications of Source against abusive registration in all open gTLDs, provided that further consideration is given to differences of interpretation of current definitions as to what constitutes a geographical indication and to who should have the right to file complaints of abuse. ICC believes that it is premature to extend the UDRP to cover other geographical terms not included in the intellectual property system.

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- In view of the absence of an internationally agreed definition of what constitutes a trade name and taking into account the diversity of the national approaches to the implementation of international protection of domain names, ICC supports WIPO's recommendation not to modify the UDRP in order to establish a special procedure for the protection of trade names against abusive registration and use as domain names.

ICC hopes that these comments prove useful to WIPO in its deliberations and looks forward to continuing participation in the process.