

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

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COMPILATION OF THE REPLIES TO QUESTIONNAIRE II ON THE USE/MISUSE OF GEOGRAPHICAL INDICATIONS, COUNTRY NAMES AND GEOGRAPHICAL TERMS ON THE INTERNET AND IN THE DNS

Document prepared by the Secretariat

INTRODUCTION

1. At the thirty-ninth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from April 23 to 26, 2018, the SCT requested the Secretariat to issue to members and Intergovernmental Intellectual Property Organizations with observer status, a Questionnaire on the use/misuse of geographical indications, country names and geographical terms on the Internet and in the DNS, in the agreed format (document SCT/39/10, paragraph 21).

2. Accordingly, the Secretariat prepared and addressed to all members of the SCT and Intergovernmental Intellectual Property Organizations with observer status, under Circular letter C. 8771 of June 11, 2018, *Questionnaire II on the use/misuse of geographical indications, country names and geographical terms on the Internet and in the DNS* (hereinafter "Questionnaire II"). In addition, an online version of Questionnaire II was also made available, in English, Arabic, Chinese, French, Russian and Spanish at: <http://survey.mbeem.com/Geographical-Indication-surveys>.

3. At the closing date to return the completed questionnaire to WIPO (*i.e.*, on September 10, 2018), replies from the following SCT members had been received: Australia, Brazil, Chile, Cyprus, Czech Republic, Ecuador, Estonia, Georgia, Greece, Guatemala, Hungary, Iceland, Italy, Japan, Lithuania, Mexico, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Sweden, Switzerland, United States of America, Uruguay and the European Union (28).

4. The present document compiles the replies to Questionnaire II, as reproduced in the Annex to the present document. It reproduces the 27 questions contained in Questionnaire II, as well as all corresponding replies in tabulated form. When no reply to a particular question was given, the corresponding entry was left empty. Comments provided are reproduced as such and *in extenso* under or, whenever possible, in the table reporting the replies to the related question.

5. *The SCT is invited to consider the content of the present document.*

[Annex follows]

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A. THE USE/MISUSE OF GEOGRAPHICAL INDICATIONS, COUNTRY NAMES AND GEOGRAPHICAL TERMS ON THE INTERNET

1. Is the notion of “geographical term” defined in national or regional law?

Responding Party	The notion of “geographical term” is defined	COMMENTS
Australia	No	Geographical term is not defined in Australian law but the authority (auDA) responsible for the .au domain space does have a policy that defines Community Geographic Domain Name as locality based website address that combines a town or suburb name with a state or territory. For example www.koonwarra.vic.au. Website addresses are available for every suburb or town in Australia except capital cities. Note this policy is not law.
Brazil	No	In Brazil, there is no law that defines "geographic term". INPI does not even use the term "geographical term", but rather "geographical name" in processes related to GI records. A Geographical name consists of a name applied to any feature on the earth's surface. In general, a geographical name is the proper name (a specific word, a combination of words, or an expression) used consistently to refer to a particular place, feature, or area of recognized identity on the Earth's surface.
Chile		
Cyprus		As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 5 of the European Reg. (EU) 1151/2012 which includes the definitions of 'designation of origin' and 'geographical indication'. For wines Cyprus implements the provisions of article 93 (a) and (b) of Regulation (EU) 1308/2013 which includes the definitions of 'designation of origin' and 'geographical indication'. For spirits, respectively, the definition of Geographical indication as per article 15 of Regulation (EC) 110/2008, is applied.
Czech Republic	No	
Ecuador	No	
Estonia	No	
Georgia		Georgian legislation does not explicitly mention the definition of Geographical term. However, definitions may be found in various normative acts. For example, Art. 4 of the Organic Law of Georgia Local Self-Government Code defines definition of a village, settlement and a town.
Greece	No	
Guatemala	No	
Hungary	No	
Iceland	Yes	Registration of a Trademark or of a Collective Mark is prohibited if the term describes "origin" or is deceptive as to the origin of goods and/or services as per Arts. 13 and 14 of the Icelandic Trademark Act No. 47/1993. The term has in practice of the Registration Authorities been interpreted as covering: Country Names, abbreviations of Country Names, names of other Geographical Areas such as regions, cities, mountains, rivers, forests etc. Registration of marks consisting of geographical terms, especially country names and country codes as word marks have been rejected. Marks may, however, consist of geographical terms with other elements, protection is in such instances not considered to cover the geographical terms as

Responding Party	The notion of “geographical term” is defined	COMMENTS
		such. In Act No. 130/2014 origin is defined as region, a specific place or a country, cf. Articles 4 and 5.
Italy	No	
Japan	Yes	<p>MIC (Domain Name) On the premise that we include geographical domain name (ex. “.jp” or “.tokyo”) in such “geographical term“, the notion of geographical domain name is defined in national law.</p> <p>NTA (GIs For Liquors) Although the notion of geographical indication (hereinafter “GI”) is not defined in national or regional law, GI is defined in the Notice on Establishing Indicating Standards Concerning Geographical Indications for Liquor (National Tax Agency Notice No. 19, 2015) (hereinafter referred to as “Public Notice”).</p> <p>MAFF (GIs for Specific Agricultural, Forestry and Fishery Products and Foodstuffs) The Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (No.84 of 2014) provides the definition of geographical indication on agricultural, forestry and fishery product and foodstuff. The Act covers agricultural, forestry and fishery products and foodstuffs which fall under any of the following items, with the exception of alcoholic beverages, drugs, and cosmetics: 1) agricultural, forestry and fishery products (limited to those served for human consumption); 2) food and beverages; 3) agricultural, forestry and fishery products (excluding those served for human consumption) designated by the Cabinet Order; and 4) the products manufactured or processed using agricultural, forestry and fishery products as materials or ingredients (excluding those served for human consumption) designated by the Cabinet Order.</p>
Lithuania	No	
Mexico	No	
New Zealand	No	
Portugal	No	
Republic of Korea	Yes	
Republic of Moldova	No	“Geographical designation” means a geographical name which is used to describe an existing geographical place, region or country (art.2, Law nr.66-XVI of 27.03.2008 on the protection of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed).
Romania	No	
Russian Federation	Yes	Federal Law No. 152-FZ of December 18, 1997, on the Names of Geographical Areas (as amended on December 30, 2015).
Singapore	No	There is a Geographical Indications Act (Cap. 117B) in Singapore. However, it does not specifically define what a “geographical term” is and what a “geographical term” refers to.
Sweden		

Responding Party	The notion of "geographical term" is defined	COMMENTS
Switzerland	Yes	"Geographical term" is defined in Article 3(a) of the Ordinance on Geographical Names (ONGéo; RS 510.625) as the name of communes, localities, streets, buildings, stations and topographic features. Swiss law, moreover, refers expressly to geographical terms or designations (but does not define them) in Article 53(e)(3) of the Ordinance on Internet Domains (ODI; RS 784.104.2).
United States of America	No	No specific definition. However, the Trademark Act and subsequent case law provides guidance for the protection of geographic signs as trademarks.
Uruguay	No	
European Union	No	

2. Are there any databases making an inventory of information on country names and/or geographical terms that are protected nationally or regionally?

Responding Party	Databases exist	If Yes, are these databases freely accessible to the public?	COMMENTS
Australia	No		There is no database but the auDA's Reserved List Policy does state that the names and abbreviations of Australian states and territories and the name 'Australia' are regarded as names of national significance and as such are reserved from general use. The name or abbreviation of an Australian state or territory may be released on application provided that the proposed registrant is eligible under auDA's eligibility and allocation policy ad has written authorisation from the relevant state or territory government. Further the Reserved List Policy does contain a non-exhaustive list of words and phrases restricted under Commonwealth legislation and this does include some geographical terms for example, Albert Park Circuit, Geneva Cross.
Brazil			It is not INPI's competence.
Chile			
Cyprus	Yes	Yes	The national law of Cyprus (Law 139(I)/2006) for the implementation of the European regulation (EU) 1151/2012 provides the establishment of a registry in the case that a geographical indication or a designation of origin (agricultural products and foodstuffs) is under transitional national protection according to article 9 of Reg. (EU) 1151/2012. National registry is also kept for wines and spirits.
Czech Republic	Yes	Yes	For geographical indications, EU legislation provides lists of GIs registered at EU level and of GIs recognized in the EU under international agreements.
Ecuador	No		

Responding Party	Databases exist	If Yes, are these databases freely accessible to the public?	COMMENTS
Estonia	Yes	Yes	For geographical indications, EU legislation provides lists of GIs registered at EU level and of GIs recognized in the EU under international agreements.
Georgia	No		
Greece	Yes	Yes	There is a list of Geographical Terms published on the website of the National Telecommunications and Post Commission (EETT).
Guatemala	No		
Hungary	Yes	Yes	For geographical indications registered in Hungary, the Hungarian Intellectual Property Office maintains a freely accessible database (registry).
Iceland	No		
Italy			In Italy there is no available comprehensive database concerning protected country names and geographical terms. At national level, "Registro" is the Italian authority to delegate SLD in «.it». Regulation on delegating and management of domain names in the ccTLD .it provides the lists of Italian geographical locations, including Italy, regions, provinces and municipalities. Those terms cannot be freely registered as second domain names. They are reserved and not delegable.
Japan	Yes	Yes	<p>For some "geographical terms", NTA (GIs for Liquors); MAFF (GIs for Specific Agricultural, Forestry and Fishery Products and Foodstuffs)</p> <p>NTA (GIs for Liquors) Information on (i) terms of GI which are designated by the Commissioner of the National Tax Agency, and (ii) country names, GI names and liquor categories, which are agreed to protect between Japan and foreign countries (some member states of the WTO), is published on the National Tax Agency's website.</p> <p>MAFF (GIs for Specific Agricultural, Forestry and Fishery Products and Foodstuffs) Information on agricultural goods (including their names, categories, places of production and characteristics) protected by The Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (No.84 of 2014) is published on the website of MAFF.</p>
Lithuania	No		
Mexico	No		
New Zealand	No		
Portugal	No		
Republic of Korea	No		
Republic of Moldova	No		
Romania	No		

Responding Party	Databases exist	If Yes, are these databases freely accessible to the public?	COMMENTS
Russian Federation			There is the State Catalogue of Geographical Names, which is freely accessible to the public. The existence of such a catalogue does not signify legal protection for the names listed therein, however.
Singapore	No		
Sweden			
Switzerland	Yes	Yes	Pursuant to the Ordinance on Geographical Names (Article 7), the Federal Office of Topography maintains and publishes the official register of localities, including their postcodes and boundaries. Geographical terms fall within the remit of the cantons (see, for example, https://www.ortsnamen.ch/). Furthermore, the Federal Statistical Office maintains and publishes the official register of Swiss communes (https://www.bfs.admin.ch/bfs/fr/home/bases-statistiques/repertoire-officiel-communes-suisse.html). The geographical indications that are protected in Switzerland by bilateral treaties are listed on the website at https://ph.ige.ch/ph/index.xhtml .
United States of America	No		However, if protected and federally registered as a trademark, the US Trademark Registry consisting of all Federal Trademark Registrations contains information on registered geographic terms as trademarks.
Uruguay	No		
European Union	Yes	Yes	For geographical indications, EU legislation provides lists of GIs registered at EU level and of GIs recognized in the EU under international agreements.

3. If your national legislation provides for the protection of geographical indications, country names and geographical terms against infringements on internet, what types of acts can be prevented?

FOR GEOGRAPHICAL INDICATIONS:

Responding party	Counterfeiting	Misleading, misuse and/or unfair use on internet	Cybersquatting	Typosquatting	Misappropriation of notoriety	Dilution	Denigration	Metatags, keywords and other methods allowing referencing	Other
Australia		Yes	Yes						
Brazil									
Chile									
Cyprus									
Czech Republic	Yes	Yes	Yes	Yes					Yes
Ecuador	Yes	Yes	Yes			Yes	Yes		

Responding party	Misleading, misuse and/or unfair use on internet	Cybersquatting	Typosquatting	Misappropriation of notoriety	Dilution	Denigration	Metatags, keywords and other methods allowing referencing	Other
Cyprus								
Czech Republic								
Ecuador	Yes			Yes	Yes	Yes		
Estonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Georgia								
Greece	Yes			Yes	Yes			
Guatemala	Yes	No	No	Yes	Yes	Yes	No	No
Hungary	Yes							
Iceland	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Italy								
Japan								
Lithuania								
Mexico	Yes				Yes	Yes		
New Zealand	Yes	No	No	No	No	No	No	No
Portugal								
Republic of Korea	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Republic of Moldova								
Romania								
Russian Federation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Singapore								
Sweden								
Switzerland	Yes	Yes	Yes					
United States of America	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Uruguay								
European Union								

COMMENTS

Australia

Under auDA's Domain Name Eligibility and Allocation Policy Rules for Open 2LDs, registering domain names for the sole purpose of resale or transfer to another entity is prohibited. Domain names must also be an exact match, abbreviation or acronym of the registrant's name/trade mark or otherwise closely and substantially connected to the registrant. The "Close and substantial connection rule" is defined in the Guidelines on the Interpretation of Policy Rules for Open 2LDs. It should be noted that auDA's policies are not legislation

Brazil

It is not INPI's competence.

Cyprus

Cyprus implements the provisions of article 13 of Reg (EU) 1151/2012 as far as agricultural products and foodstuffs are concerned, article 103 of Reg 1308/2013 for wines, article 16 of Reg 110/2008 for spirits in order to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, that are produced or marketed in Cyprus.

Czech Republic

For GIs, Article 13(1)(a) of Regulation (EU) 1151/2012 protects registered names against "any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient." Regulation (EU) 1308/2013 contains a similar provision for wines, as does Regulation (EC) 110/2008 for spirits and Regulation 251/2014 for aromatized wines. EU law offers satisfactory protection for geographical indications against their misuse as domain names on a multitude of legal bases. This protection focuses on "commercial use" and "comparative" or "misleading advertising", and not on the registration of a domain name as such or the mere use of the protected geographical term as a domain name.

Estonia

State supervision over fulfillment of the requirements provided for in the Estonian Geographical Indication Protection Act is exercised by: 1) the Consumer Protection Board; 2) the Veterinary and Food Board over proper use of the names of registered geographical indications, and conformity with the requirements provided for in the descriptions of registered geographical indications. A law enforcement agency may apply special state supervision measures provided for in §§ 30 (Questioning and requiring of documents), 49 (Examination of movable), 50 (Entry into premises) and 52 (Taking into storage of movable) of the Law Enforcement Act on the bases and according to the procedure provided for in the Law Enforcement Act for the purpose of exercising the state supervision provided for in Geographical Indication Protection Act. For GIs, Article 13(1)(a) of Regulation (EU) 1151/2012 protects registered names against "any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient." Regulation (EU) 1308/2013 contains a similar provision for wines, as does Regulation (EC) 110/2008 for spirits. 3 EU law offers satisfactory protection for geographical indications against their misuse as domain names on a multitude of legal bases. This protection focuses on "commercial use" and "comparative" or "misleading advertising", and not on the registration of a domain name as such or the mere use of the protected geographical term as a domain name.

Georgia

Georgian Legislation does not explicitly provide responsibility for infringement of rights on Geographical Indications on the internet. However, Georgian Law on Appellations of Origin and Geographical Indications of Goods provides for civil, administrative and criminal liability for infringement of the rights resulting from registration of an appellation of origin or geographical indication. This general provision gives the right to sue against infringement of rights including on the internet.

Iceland

All unfair commercial practices can according to the Act No. 57/2005 on the surveillance of unfair business practices and market transparency be prevented. However, in relation to GIs, Country Names and other Geographical terms no practice has been established so far. Courts or the Consumers Agency would handle such matters or the BoA of ISNIC.

Italy

In principle, substantial protection for the three categories in the physical world would be provided also for the in line/virtual world without any reserve or discrimination. based on general principles and clauses. However, non-explicit provision in legal acts for all the three categories is a limit in terms of certainty of law. It does not exist any specific law adjusting protection to the internet world except specific individual provisions in relevant general acts Code of Industrial Property since 2005. Courts have adopted traditional principles to the new electronic environment. Protection of GIs is sui generis and specific and thus reinforced. Protection of country names and geographical names coincides with art. 6ter and 10 of the Paris Convention and with the general unfair competition clauses repressing mislead in trade and misleading advertising, including unfair commercial practice

Japan

For geographical indications:

NTA (GIs for Liquors) The public notice with regard to Japanese liquor GI does not provide for the protection against infringements on internet. The public notice provides for the compliance with indicating standards concerning GI for liquor (see Q4).

MAFF (GIS FOR SPECIFIC AGRICULTURAL, FORESTRY AND FISHERY PRODUCTS AND FOODSTUFFS)

The Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (No.84 of 2014) regulates to affix a Geographical Indication on the Agricultural goods or their package, container or invoice. As of now, the scope of the Act does not expand the use of GI on the internet or in the DNS.

METI (THE UNFAIR COMPETITION PREVENTION ACT (UCPA))

First, when geographical indications correspond to “another person's goods or business by using an Indication of Goods or Business”, the below provisions of the Act may be applied.

Article 2 (1) (i) the act of creating confusion with another person's goods or business by using an Indication of Goods or Business(meaning a name, trade name, Trademark, Markings, containers or packaging for goods belonging to a business, or any other indication of a person's goods or business; the same applies hereinafter) that is identical or similar to the another person's Indication of Goods or Business that is well-known among consumers as belonging to that person, or by transferring, delivering, displaying for the purpose of transfer or delivery, exporting, importing or providing through a telecommunications line goods that use the same indication;

(ii) the act of using an Indication of Goods or Business that is identical or similar to another person's famous Indication of Goods or Business as one's own, or of transferring, delivering, displaying for the purpose of transfer or delivery, exporting, importing, or providing through a telecommunications line goods that use the same indication;

Second, when geographical indications correspond to “another person's Specific Indication of Goods or Business”, the below provision of the Act may be applied.

Article 2 (1) (xiii) the act of acquiring or holding a right to use a Domain Name that is identical or similar to another person's Specific Indication of Goods or Business (meaning a name, trade name, Trademark, Markings, or any other indication of goods or business belonging to a business), or the act of using any of such Domain Name, for the purpose of wrongful gain or causing damage to another person;

Third, when geographical indications correspond to “Misleading representation regarding the place of origin, quality, etc.”, the below provision of the Act may be applied.

Article 2 (1) (xiv) the act of using an indication on goods or services, in an advertisement thereof, or in trade documents or electronic correspondence thereof, in a way that is likely to mislead as to the place of origin, quality, content, manufacturing process, purpose, or quantity of the goods, or the quality, content, purpose, or quantity of the services, or the act of transferring, delivering, displaying for the purpose of transfer or delivery, exporting, importing, or providing through a telecommunications line goods so indicated, or the act of providing services so indicated;

For country names and other geographical terms:

METI (The UCPA)

The below provision of the Act may be applied.

Article 2 (1)(xiv) the act of using an indication on goods or services, in an advertisement thereof, or in trade documents or electronic correspondence thereof, in a way that is likely to mislead as to the place of origin, quality, content, manufacturing process, purpose, or quantity of the goods, or the quality, content, purpose, or quantity of the services, or the act of transferring, delivering, displaying for the purpose of transfer or delivery, exporting, importing, or providing through a telecommunications line goods so indicated, or the act of providing services so indicated

Mexico

The Law on Industrial Property (LPI) does not provide for specific penalties for infringements of geographical indications on the Internet (or in any other area, in fact). The Federal Judiciary has determined, however, that as Mexico's intellectual property legislation has been drafted neutrally, an infringement may in law be committed independently of the environment used for such commission. In other words, geographical indications can be infringed on the Internet, even though the Law does not make any express textual reference to electronic media. Under the LPI, it is an infringement of the rights inherent in a geographical indication to:

- use an appellation or indication that is identical or similar in degree of confusion to an appellation of origin or a national or foreign protected geographical indication, and recognized by the Institute, to protect the same or similar products; this assumption also applies to use of the appellation or indication in services;
- use the translation or transliteration of an appellation of origin or a national or foreign protected geographical indication, and recognized by the Institute, to protect the same or similar products; this assumption also applies to use of the appellation or indication in services;
- produce, store, transport, distribute or sell products that are identical or similar to those that are protected by a national or foreign protected appellation of origin or geographical, recognized by the Institute, and bearing any type of indication or element that confuses the consumer about its origin or quality such as "variety", "type", "style", "imitation", "produced in", "manufactured in" or similar terms. Furthermore, under the LPI, acts contrary to good practices and customs in industry, commerce and services that involve unfair competition and relate to industrial property are considered to be infringements.

Accordingly, as misuse of terms protected as geographical indications or appellations of origin can fall under each of these heads of infringement, the LPI contains provisional measures to halt such infringements and administrative due-process proceedings to halt them definitively.

Russian Federation

There are no such provisions.

Switzerland

Protection against cybersquatting, typosquatting and misappropriation of notoriety of other geographical terms is provided for ".swiss" in Articles 53(1)(e)(3), 53(2), 58(b), 58(c), 58(d) and 58(e) of the Ordinance on Internet Domains (see question 4 below).

United States of America

The foregoing answers are based on the protection of geographical indications, country names and other geographical terms as trademarks.

Singapore

For geographical indications – There are protections and prohibitions listed in the Geographical Indications Act (Cap. 117B) but there was no specific mention about the use of GIs on the Internet. However, some of the clauses in the Act may be generic enough to be applied to GI usage on the Internet.

Sweden

There are no specific protection/regulation against infringements on internet.

European Union

For GIs, Article 13(1)(a) of Regulation (EU) 1151/2012 protects registered names against "any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient." Regulation (EU) 1308/2013 contains a similar provision for wines, as does Regulation (EC) 110/2008 for spirits and Regulation 251/2014 for aromatized wines. EU law offers satisfactory protection for geographical indications against their misuse as domain names on a multitude of legal bases. This protection focuses on "commercial use" and "comparative" or "misleading advertising", and not on the registration of a domain name as such or the mere use of the protected geographical term as a domain name.

4. What type of instruments or dispute resolution mechanisms are available in your jurisdiction to prevent/combat counterfeiting, illegal use or any misuse covering also geographical indications, country names and other geographical terms on internet?

Responding Party	Binding legal instruments	Soft law or non-binding instruments	Technical tools to prevent illegal use of names on websites	Other
Australia				Yes*
Brazil				
Chile				
Cyprus				
Czech Republic		Yes		
Ecuador	Yes			
Estonia	Yes			Yes
Georgia	Yes	Yes	Yes	
Greece	Yes			
Guatemala	Yes	No	No	
Hungary	Yes			Yes As far as the .hu ccTLD is concerned, the Domain Registration Rules and Procedures (to be found at http://www.domain.hu/domain/English/szabalyzat/szabalyzat.html) provide a mechanism for legal disputes (Chapter V.) based on the Alternative Dispute Resolution Forum. There is also the possibility to go to Civil Court (litigation) based on the infringement of the protection of a geographical indication (Article 110 of Act XI of 1997 on the protection of trademarks and geographical indications). Civil court proceedings may also be initiated based on the Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices.
Iceland	Yes	Yes		
Italy	Yes	Yes		Yes In Italy TLD registration procedure provides for mandatory administrative procedures, i.e. a quasi-arbitral procedure which allows to challenge

Responding Party	Binding legal instruments	Soft law or non-binding instruments	Technical tools to prevent illegal use of names on websites	Other
				registrations of TLD which has been made on a 'first come first served' basis. Furthermore ordinary legal civil actions are provided before courts based on IPRs protection, repression of misleading practices and unfair competition as well as protection of consumers against practices which misdescribe the place of origin of products.
Japan	Yes*	Yes**		
Lithuania	Yes			
Mexico	Yes			
New Zealand		Yes		
Portugal		Yes		
Republic of Korea	Yes			
Republic of Moldova				
Romania	Yes	No	No	No
Russian Federation		Yes		
Singapore	Yes			
Sweden				
Switzerland	Yes			
United States of America	No	No	No	No
Uruguay		Yes		Yes
European Union	Yes			

COMMENTS

Australia

* auDA's Dispute Resolution Policy (auDRP) is an adaptation of the Uniform Dispute Resolution Policy administered by the Internet Corporation for Assigned Names and Numbers (ICANN). It sets forth the terms and conditions that govern a dispute over the registration and use of an Internet domain name registered in an open second level domain. Under the auDRP, a domain owner must submit to a mandatory administrative proceeding in the event that a complainant submits that the domain name is identical or confusingly similar to a name, trademark or service mark in which the complainant has rights; and the domain owner has no rights or legitimate interest in respect of the domain name; and the domain name has been registered or subsequently used in bad faith.

Brazil

It is not INPI's competence.

Cyprus

As far as agricultural products and foodstuffs, wines and spirits are concerned the sanctions-measures that national law of Cyprus provides for unlawful use of PDOs-PGIs are retentions, seizures of goods and prosecution to court of the infringer.

Czech Republic

ADR procedure for SLD in ccTLD .cz

Greece

- Regulation on Management and Assignment of [.gr] or [.ελ] Domain Names (Decision 843/2/1-3-2018).
- Amendment of the EETT Decision «Regulation on Management and Assignment of [.gr] Domain Names or .ελ» (EETT ΑΠ. 852/5/21-5-2018).
- Regulation on Management and Assignment of [.gr] or [.ελ] Domain Names (01/03/2018).
- Amendment of the Regulation on Management and Assignment of .gr Domain Names and other provisions (17/06/2015).
- Amendment of the Regulation on Management and Assignment of .gr Domain Names and other provisions (22/05/2015).
- New Regulation on Management and Assignment of .gr Domain Names (04/03/2015).
- Amendment of the Regulation on Management and Assignment of .gr Domain Names and other provisions (FEK 3054/B/13-11-2014).
- Regulation on Management and Assignment of .gr Domain Names (FEK 1564/B/21-6-2013).
- Regulation on Management and Assignment of .gr Domain Names (Gov. Gaz. Issue 593/B/14-4-2011).
- Regulation on Management and Assignment of '.gr' Domain Names FEK 717/B/27-5-2005.
- Regulation on Management and Assignment of .gr Domain Names (transfer from the respective Greek site).
- Amendment of the National Telecommunication and Post Commission Decision 268/73/25.11.2002 on the .gr. Domain Name Management and Assignment Regulation and commencement of the operation of the Register.
- Regulation on the Determination of the Fees for Actions on .gr. Domain Names.
- Application Model for the Assignment of a .gr domain in the context of Article 7 of the .gr Domain Name Management and Assignment Regulation.

Iceland

The Icelandic DNS system is owned and operated by a private party ISNIC. According to the ISNIC rules an independent Board of Appeal handles DNS disputes.

Japan

NTA (GIS FOR LIQUORS)

First, institutions for the GI management, which consist of mostly liquor manufacturers in their own territories, take control of the appropriate usage through periodic inspections and/or daily business. Second, in case the National Tax Agency (NTA) finds an undue use of liquor GIs, it directs correction to the liquor producer or distributor. In case of no observance to the direction, the NTA may notify it to the public and/or order correction to the liquor producer or distributor. In case the liquor producer or distributor still does not follow the order, a penalty (a fine of maximum 500 thousand yen) is imposed. In addition, the NTA may revoke the liquor license of those who have been imposed of penalty. Additionally, there is no technical tools to prevent illegal use on websites.

In a case where acts on geographical indications, country names and other geographical terms fall under the acts described in Item 3, respectively, civil remedies are regulated by the UCPA as below.

Article 3(1) A person whose business interests have been infringed on or are likely to be infringed on due to Unfair Competition* may make a claim to suspend or prevent that infringement, against the person that infringed or is likely to infringe on the business interests.

Article 4 A person who intentionally or negligently infringes on the business interests of another person through Unfair Competition (The term Unfair Competition as used in the UCPA include acts described in Item 3) is held liable to compensate damages resulting therefrom; provided, however, that this Article does not apply to damages resulting from the act of using Trade Secrets after the rights prescribed in Article 15 have extinguished pursuant to the same Article.

Mexico

There is no record to date of pages being blocked in Mexico on the ground of infringement of rights inherent in geographical indications or appellations of origin. Websites have already been blocked, however, for illegally distributing copyrighted content. The Federal Judiciary has ruled that Internet content may be blocked only when material is presumed to be illegal.

New Zealand

The New Zealand Domain Name Commissioner maintains a .nz Dispute Resolution Service for disputes about .nz domain names. Information about the service is available at https://www.dnc.org.nz/sites/default/files/2016-02/Final_Dispute.pdf

Russian Federation

Non-binding instruments are understood to mean internal company documents. Examples include the reservation of second-level domain names when top-level domain names are launched, such as .RF, .MOSKVA, .MOSCOW.

Singapore

.SG registrants are bound by the Domain Name Registration Agreement (DNRA) and the Acceptable Use Policy for Registrants (AUPT). They are not allowed to do certain things (for e.g. sell names) and need to comply to the Singapore Domain Name Dispute Resolution Policy (SDRP).

Sweden

The question is linked with question 4.

Switzerland

The sale of counterfeit goods and of goods bearing a false indication of geographical origin may be prevented or terminated under the Federal Trademark Protection Act (TmPA) (Articles 55 and 59) by, for example, blocking or even closing down the websites used to circulate such products.

Article 29 of the Swiss Civil Code protects the right to a name, thus covering not only the names of people but also geographical terms. A public corporation may file a civil lawsuit to terminate use of a domain name containing its geographical term or to have the domain name transferred to the top or second level if it is being used unlawfully.

In the case of “.swiss” domain names, applicants must demonstrate that they have a right to, or a legitimate interest in, the geographical term filed as part of the domain name, for misuse can lead to revocation.

Both “.swiss” and “.ch” are reserved for the names assigned to Swiss public authorities (cantons and communes).

The Rules of Procedure for Dispute Resolution Proceedings apply to owners of “.ch” domain names and may be initiated by the holder or beneficiary of a right in a distinctive sign, including a right in a geographical indication or in a geographical term (see Article 1 of the [Rules of Procedure for Dispute Resolution Proceedings](#); see, too, WIPO Arbitration and Mediation Center case DCH2006-0003 on the transfer of “suisse.ch” to the Swiss Confederation).

5. Does the protection encompass:

Responding Party	modified forms of geographical terms?	the use of any denomination or trade description that may jeopardize country names and names of geographical significance?	COMMENTS
Australia	Yes		The Reserved list policy reserves from general use the name and abbreviation of Australian states and territories.
Brazil			It is not INPI's competence.
Chile			
Cyprus	No	No	
Czech Republic	Yes	Yes	Protection is not provided for per se; decisions are taken on a case by case basis taking into consideration all relevant circumstances.
Ecuador		Yes	
Estonia	Yes	Yes	
Georgia	Yes	Yes	
Greece	Yes	Yes	
Guatemala	No	No	
Hungary	Yes	Yes	These forms are protected in general in the .hu ccTLD Domain Registration Rules and Procedures. According to Rule 2.2.2. c) a domain name may not be selected and used as, in terms of its meaning and/or use, it is suspected of being delusive.
Iceland		Yes	
Italy	Yes	Yes	GIs protection is reinforced and coherent with EU regulations. Country names and geographical protection is provided within the limit of the repression of misleading practices. Thus use of modified terms is susceptible of being prevented whether it causes misleading impressions in the mind of consumers, modifying its commercial behaviors. Traders and producers by the country or the area concerned, and even from third areas may file a complaint to the extent that the use of geographical terms determines an unfair advantage for the users to their detriment.
Japan	Yes	No	NTA (GIs For Liquors) If the term "modified forms" includes translations and transliteration of GIs for liquors, the protection can encompass those translated and transliterated forms. METI (The UCPA) We checked "YES" regarding "modified forms of geographical terms" since we interpreted "modified forms" as "similar to geographical terms". If not, we need to check "NO".
Lithuania	No	No	

Responding Party	modified forms of geographical terms?	the use of any denomination or trade description that may jeopardize country names and names of geographical significance?	COMMENTS
Mexico	Yes	Yes	See comment under Question 3.
New Zealand	No	No	
Portugal	No	Yes	
Republic of Korea		Yes	
Republic of Moldova			
Romania	No	No	
Russian Federation	Yes	No	
Singapore	No	No	
Sweden			
Switzerland	Yes	Yes	
United States of America	No	No	
Uruguay			
European Union	Yes	Yes	Protection is not provided for per se; decisions are taken on a case by case basis taking into consideration all relevant circumstances.

6. In case there are soft law instruments available or technical tools to prevent illegal use of names on websites, which major internet platforms have acceded to such a type of instruments?

Responding Party	Internet platforms that have acceded to soft law instruments or technical tools to prevent illegal use of names on websites
Australia	There are no soft law instruments or technical tools that are relevant to this question. A website can be blocked under the Copyright Act on the basis that the website is breaching a copyright owner or licensee's copyright. Featuring a country name, GI or geographic place in the domain name would not be enough on its own to get a website blocked under the Copyright Act.
Brazil	It is not INPI's competence.
Chile	
Cyprus	N/A
Czech Republic	
Ecuador	N/A
Estonia	Domain Disputes Committee
Georgia	In Georgia, telecommunication sector is supervised by the Georgian National Telecommunications Commission, which adopted a special decree N3 of 17 March, 2006 – Concerning the Approval of the Regulations in respect to the Provision of Services and Protection of Consumer Rights in the Sphere of Electronic Communications covering internet and DNS issues. According to the decree internet website contents shall not be misleading. All internet platforms working in Georgia have to obey to these regulations and have all technical tools for the prevention of illegal use of names in place.
Greece	
Guatemala	At the moment, we do not have access as a registry of internet platforms
Hungary	N/A
Iceland	

Responding Party	Internet platforms that have acceded to soft law instruments or technical tools to prevent illegal use of names on websites
Italy	The Italian Ministry of Agriculture and other Italian authorities and associations have recently signed an agreement with Ebay and Alibaba Internet Platform for the protection of the GIs
Japan	
Lithuania	Not available
Mexico	N/A
New Zealand	Anyone registering a .nz domain name must agree to be subject to the Dispute Resolution Service.
Portugal	The registration of a domain name under the Portuguese ccTLD, .pt, always involves the fulfilment of a set of rules available at https://www.dns.pt/fotos/gca/regras_rgpd_final_en_19180084175b180424b26aa.pdf . All the registrants are obliged to comply with the terms and conditions therein.
Republic of Korea	
Republic of Moldova	The principle of selling domain names is "First come, first serve".
Romania	N/A
Russian Federation	The Coordination Center for Top-Level Domains (.RF), the Foundation for Assistance for Internet Technologies and Infrastructure Development (.MOSKVA, .MOSCOW).
Singapore	N/A
Sweden	
Switzerland	
United States of America	N/A
Uruguay	
European Union	N/A

7. Do such instruments apply to domain name hosts?

Responding Party	Do such instruments apply to domain name hosts?
Australia	As per question 6
Brazil	It is not INPI's competence.
Chile	
Cyprus	
Czech Republic	No
Ecuador	No
Estonia	Yes
Georgia	Yes
Greece	Yes
Guatemala	No
Hungary	
Iceland	Yes
Italy	No
Japan	
Lithuania	No
Mexico	N/A
New Zealand	Yes
Portugal	Yes
Republic of Korea	No
Republic of Moldova	No
Romania	No
Russian Federation	No
Singapore	N/A

Responding Party	Do such instruments apply to domain name hosts?
Sweden	
Switzerland	
United States of America	No
Uruguay	
European Union	N/A

B. THE USE/MISUSE OF GEOGRAPHICAL INDICATIONS, COUNTRY NAMES AND GEOGRAPHICAL TERMS IN THE DNS

8. What is/would be the most appropriate manner in which to protect geographical terms from being improperly registered in the DNS?

Responding Party	The most appropriate manner in which to protect geographical terms from being improperly registered in the DNS
Australia	ICANN has a working group that is reviewing the treatment of geographic names as domain names, which may make recommendations on policy and/or implementation related to two-character codes, three-character codes, short form and full country and territory names, city/state/region names, and other geographically significant names. Under the 2012 round for new gTLDs, there were protections in place for geographic names including banning applications for 2-character country codes at the top level. In some cases, geographic names (e.g. capital city names used for the purpose associated with the city name) required support/non-objection from the relevant governments or public authorities. ICANN is considering a process for future rounds of gTLD applications. We will push for the early warning process to be part of any future round to allow governments to raise concerns with applicants.
Brazil	It is not INPI's competence.
Chile	Through a dispute resolution policy that, among other criteria, may take into account the existence of distinctive signs.
Cyprus	To maintain and update a geographical blocking list.
Czech Republic	In current TLD's most of the GI known locally/worldwide are already registered. The way of reservation the protection of the relevant toponym in favor of the legal entities comes into consideration in new TLD.
Ecuador	Article 584.- On proceedings.- The owner of a trademark or other intellectual property right may initiate administrative protection proceedings if a third party, without the consent of the owner, tries in bad faith to take advantage of the intellectual property right and to register, market or use a domain name that at the time of registration of the domain name: (a) was identical or similar to a trademark or other intellectual property right recognized in the country; or, (b) is capable of causing dilution of a well-known mark in the country. A natural person whose name or pseudonym is identified by the relevant sector of the public as a person other than the owner of the domain name may also initiate such proceedings, unless proof is adduced of the consent given by that person or that person's successors in title.
Estonia	An in-depth review of existing protection mechanisms and an evidence-based review of "improper" registrations should be the starting point for an assessment of the most appropriate way to protect geographical terms in the DNS. As far as geographical indications are concerned, the most appropriate manner to protect them is to reserve the protection of the relevant toponym in favor of the legal entities in charge of their protection, with procedures that involve the GI right-holders or any interested party. Moreover, extending curative rights mechanisms such as the UDRP (Uniform Domain-Name Dispute-Resolution) to geographical indications (which are already well-defined and included in finite lists), could guarantee legal certainty and transparency and tools to counter bad-faith registrations. For other geographical terms, dedicated repositories/lists with specific requirements for registration (e.g. prior validation/non-objection by relevant authority) are another appropriate mechanism.

Responding Party	The most appropriate manner in which to protect geographical terms from being improperly registered in the DNS
Georgia	<p>Georgia takes into consideration the determined principles and acknowledges its position that the proper protection of geographical indications, country names and names of geographical significance is the most important issue.</p> <p>In our opinion, in the near future it would be possible by Georgian domain name administrators to follow other EU countries and introduce dispute resolution system also for Geographical Indications, which would be the most appropriate way for the protection of Geographical Indications on the internet.</p>
Greece	Legal framework
Guatemala	As a registry, we do not have legal instruments that allow us to establish a link with the entity that registers domain names.
Hungary	<p>Country names and names of settlements are protected under the .hu ccTLD by the Domain Registration Rules and Procedures. According to paragraph 2.2.4 of the mentioned Rules in case of delegation directly under the .hu domain</p> <p>a) the local municipality is only entitled to choose a domain name identical with the name of settlement belonging to the municipality</p> <p>b) the official representation only of the particular country is entitled to choose a domain name identical with the name of the particular country (in Hungarian, English, and the own language of the country)</p> <p>This restriction shall not apply to delegation directly under second level public domains.</p>
Iceland	International instrument on protection of Country names and other geographical terms and/or uniform rules on TLDs, including gTLDs.
Italy	<p>The most appropriate manner to protect the GIs is to reserve the protection of the relevant toponym in favor of the legal entities in charge of protection of these ones. Measures to be adopted might be: (1) a procedure in two or three consecutive phases with a short time publication and notification to the concerned country governments (2) legitimation to act to challenge registration also for GI right-holders or any interested party. An in-depth review of existing protection mechanisms and an evidence-based review of “improper” registrations should be the starting point for an assessment of the most appropriate way to preventively protect geographical terms in the DNS. As far as geographical indications are concerned, the most appropriate manner to protect them is to preventively reserve the protection of the relevant toponym and the concerned GI at least as such in favor only of the legal entities in charge of their protection, with procedures that involve the GI right-holders or any interested party or competent public authorities. On extending curative rights mechanisms such as the UDRP (Uniform Domain-Name Dispute-Resolution) to geographical indications, we are in favor in-depth and substance reform of the DNS (gTLDs, SLDs and ccTLDs), which would be a proper way to preventively protect geographical terms from being improperly registered in the DNS. The UDRP, currently managed by ICANN, does not provide legal certainty on avoiding the GIs delegation as gTLDs or SLD. We would like to recall that ICANN has planned the new gTLDs call for 2020. Considering the outcome of the first gTLDs call, we are concerned and puzzled.</p>
Japan	<p>MIC</p> <p>We reserved some of geographical domain names in advance and we think it works properly at this time.</p>
Lithuania	Finite list of protected domain names with settled authority who issues right to register and use particular protected domain name.
Mexico	
New Zealand	Note that geographical terms, that are not geographical indications, are not “protected” from being improperly registered in the DNS. However, the Fair Trading Act 1986 makes it illegal to use a geographical term in a manner that misleads or deceives consumers (as to the true origin of the product or service).
Portugal	The establishment of an international legal instrument on the use of geographical names as gTLDs.
Republic of Korea	

Responding Party	The most appropriate manner in which to protect geographical terms from being improperly registered in the DNS
Republic of Moldova	
Romania	Updating of national legislation / bilateral – multilateral Treaties
Russian Federation	Treating geographical terms/names in the same manner as means of individualization.
Singapore	Possibly setting registration rules and policies from the onset.
Sweden	There is no regulation in Sweden that prohibits the use of geographical terms in the DNS. However, a registration of a domain name can be challenged via the dispute resolution procedure provided by the ccTLD registry, see https://www.iis.se/22adaste/dispute_resolution/for-se/ .
Switzerland	At the top level (i.e., gTLDs), the principle that a geographical term may be delegated only if the authority/authorities concerned does/do not raised any objection (no-objection principle). At the second level, a procedure similar to the Uniform Domain Name Dispute Resolution Policy (UDRP) and establishment of a central database of protected geographical terms.
United States of America	For geographical terms protected as trademarks, the UDRP/URS are available. Additionally, in the U.S., the Anticybersquatting Consumer Protection Act (ACPA) is available.
Uruguay	
European Union	An in-depth review of existing protection mechanisms and an evidence-based review of “improper” registrations should be the starting point for an assessment of the most appropriate way to preventively protect geographical terms in the DNS. As far as geographical indications are concerned, the most appropriate manner to protect them is to preventively reserve the protection of the relevant toponym and at least the GI concerned exclusively in favor of the legal entities in charge of their protection, with procedures that involve the GI right-holders or any interested party. Moreover, extending curative rights mechanisms such as the UDRP (Uniform Domain-Name Dispute-Resolution) to geographical indications (which are already well-defined and included in finite lists), could guarantee legal certainty and transparency and tools to counter bad-faith registrations. For other geographical terms, dedicated repositories/lists (as an example: http://geonames.cadastre.bq) with specific requirements for registration (e.g. prior validation/non-objection by relevant authority) are another appropriate mechanism.

9. What legal and/or technical means are available in your jurisdiction to identify an owner of a domain name?

Responding Party	Legal and/or technical means to identify an owner of a domain name
Australia	Publically available WHOIS data is used to identify the owner of domain name. auDa’s Registry License Agreement and Registrar Agreement impose certain conditions on the registry operator and registrars in relation to the collection and use of WHOIS data. The auDA WHOIS policy contains a table in Schedule A of the data fields that will be disclosed. Third parties seeking access to the data fields not disclosed can submit a request with auDA.
Brazil	It is not INPI’s competence.
Chile	The .CL Whois service where domain name holders are identified.
Cyprus	The .cy registry can provide after request the owner of a domain name only if the Registrant of domain name is a Company according with the Personal Data Protection Law.
Czech Republic	WHOIS database with limited access to the personal data; these data are available on demand (according to the law, or on demand of 3rd person; the applicant must

Responding Party	Legal and/or technical means to identify an owner of a domain name
	verify his identity and the request must state and document the purpose for which the data be revealed, CZ.NIC is entitled to refuse to provide the information)
Ecuador	Article 586.- Factors in determining legitimate use of the domain name.- To determine whether a person has used the domain name legitimately, the competent national intellectual rights authority will consider such factors as: 1. whether the person who registered the domain name owns a trademark or other intellectual property right included in the domain name; 2. whether the domain name consists of the commercial name, company name, name or pseudonym of the person who registered the domain; and 3. prior use by the person who registered the domain name in relation to products or services in good faith, or trade dress or information that is incapable of misleading the public as to its source.
Estonia	Access to the relevant WHOIS database (in Estonia: www.internet.ee); enquiries to internet services intermediaries, such as registries, registrars, hosting providers and ISPs; advertising providers (in a “follow the money” approach). Data concerning a domain name holder contains personal data, subject to relevant data protection rules.
Georgia	In Georgia ccTLDs .ge and .გე (in Georgian characters) are administered by two administrators – Caucasus Online and ITDC, which hold the register of domain names. These administrators have special WHOIS rules, regulating identification of domain name owners. In addition, the abovementioned decree N3 of 17 March, 2006 – Concerning the Approval of the Regulations in respect to the Provision of Services and Protection of Consumer Rights in the Sphere of Electronic Communications covers internet domain name issues. According to the decree domain name holders can be traced in special cases, for example in case of disseminating of inappropriate materials.
Greece	The List of Registrars who have complied with the new Regulation on Management and Assignment of .gr Domain Names (Gov. Gaz. Issue 593/B/14-4-2011) and the List of Non-Active Registrars as it is kept in EETT.
Guatemala	At the moment, we do not have legal instruments for intellectual property. Owners can only turn to the courts.
Hungary	Both natural and legal persons may obtain domain name registrations. Their details can be found in the public “whois” (http://www.domain.hu/domain/English/domainsearch). If the owner is a natural person, his details can be retrieved in accordance with the GDPR compliant Privacy Statement (http://www.domain.hu/datacontrolling.pdf).
Iceland	Very limited, registration of DNS is operated by a private party, setting their own rules. Owners can remain anonymous.
Italy	Until 25 June 2018, WHOIS free database system offered a very important and useful technical (and not legal) resource. After the entry into force of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, the framework is changing. ICANN does not provide an exhaustive solution for TLDs so far. The obscuring of WHOIS (untracked) information prevents police actions when criminal measures are applicable and IP (Gis) right-holders actions when civil enforcement are applicable.
Japan	MIC We have “whois” database as technical means.
Lithuania	Public WHOIS service can be used for identification of second level .lt domain name owner. If domain name registrant is natural person, legitimate requests to disclose domain name owner information must be submitted to supporting .lt domain name registrar or .lt registry.
Mexico	To ascertain compliance with the Law on Industrial Property (which protects rights inherent in geographical indications and appellations of origin) and other provisions derived therefrom, the Mexican Industrial Property Institute has been empowered to conduct the requisite inspections and monitoring. For that purpose, it may request reports and data. Any person who fails to provide information when so requested is considered to have committed a fineable offence.

Responding Party	Legal and/or technical means to identify an owner of a domain name
New Zealand	All .nz registrars must maintain an online public database of contact information concerning domain name registrants
Portugal	The database WHOIS.
Republic of Korea	
Republic of Moldova	WHOIS service for ccTLD.md https://nic.md/en/whois/
Romania	Administrative / judicial proceedings
Russian Federation	In accordance with the Rules for the Registration of Domain Names in the .RU and .RF Domains, there is a WHOIS service (an automated system that provides public access to information about a domain name to the extent established by the Rules). In accordance with paragraph 9.1.5 of the Rules, the Registrar must provide information about the full name of the administrator and its/his location/place of residence in response to a written request from third parties, which includes the reasons for the request and contains a commitment to use the information received exclusively for the purposes of filing a lawsuit.
Singapore	The .SG registry operator, SGNIC, maintains a publicly available/accessible database known as the WHOIS. The public can search whether a domain name has been registered and who the registrant is.
Sweden	The Swedish ccTLD registry shall have an WHOIS register according to the Swedish top level domain act.
Switzerland	The WHOIS protocol.
United States of America	WHOIS database and work-around tools, court orders requesting information from registries/registrars.
Uruguay	
European Union	Access to the relevant WHOIS ¹ database ; enquiries to internet services intermediaries, such as registries, registrars, hosting providers and ISPs; advertising providers (in a “follow the money” approach). Data concerning a domain name holder contains personal data, subject to relevant data protection rules.

(i) gTLDs

10. Would you support the use of a mechanism similar to “Trademark Clearinghouse” (TMCH)² to prevent unauthorized delegation as gTLD of geographical indications, country names and names of geographical significance?

Responding Party	Support the use of a mechanism similar to “Trademark Clearinghouse”	If No, please explain
Australia	No	We do not support governments creating a list/repository of protected Gis, country names and names of geographical

¹ WHOIS is a query and response protocol that is widely used for querying databases that store the registered users or assignees of an Internet resource, such as a domain name, an IP address block or an autonomous system. The WHOIS system for querying gTLD is currently undergoing a major reform in the context of ICANN, further to the entry into application of the EU General Data Protection Regulation.

² TMCH is a centralized database of verified trademarks that is connected to each and every new Top Level Domain (TLD) that is delegated. The insertion and verification of trademarks within the database of TMCH is made on a voluntary basis upon payment of a fee by the trademark holders, subject to the renewal.

Responding Party	Support the use of a mechanism similar to "Trademark Clearinghouse"	If No, please explain
		significance. "Names of geographic significance" is unclear and so the scope of names captured by this could be unrealistically broad. A mechanism such as the TMCH would not be supportable as it would allow authorities to unilaterally determine what a geographically significant name is, and block or force negotiations on a domain name.
Brazil		
Chile	No	When assigning a gTLD, it is necessary to consider the existence of previously constituted distinctive signs. The creation of a gTLD is a very long process and such registration is not necessary.
Cyprus	No	
Czech Republic		
Ecuador	Yes	
Estonia	Yes	
Georgia		
Greece	Yes	
Guatemala	Yes	
Hungary	Yes	
Iceland	Yes	
Italy	No	TMCH is only a database put in place by ICANN. TM owners have to pay for registering and renewing. It has no binding or legal effects in the gTLD Delegation process or in the SLD. ICANN can decide without being bound the data in TMCH. The decision is up to ICANN considering the new gTLD as shown in the first procedures adopted during the first procedures in 2012/13. As the TMCH mechanism does not have any binding effect on ICANN it might be considered only one gradual step in the right direction, being necessary to provide for a revision of the registration procedure considering rejecting registration ex ante and/or ex post based on consolidated practice in IP law or eventually in the context of a reconsideration of internet governance. GIs need a legal basis at national, regional (such as European Union) and supranational level, providing for a binding rules to protect and enforce them also in the form of delegations as top level and second or third level domain. The same comments can be made for geographical terms. We need to preventively protect GIs, country names and geographical terms by means of a deep and substantial reform of the current system DNS.
Japan	Yes	
Lithuania	Yes	
Mexico		
New Zealand		
Portugal	Yes	
Republic of Korea	Yes	
Republic of Moldova	Yes	
Romania	Yes	

Responding Party	Support the use of a mechanism similar to "Trademark Clearinghouse"	If No, please explain
Russian Federation	Yes	
Singapore	Yes	
Sweden		
Switzerland	Yes	
United States of America	No	If the GI, country name or name of geographical significance is already protected as a trademark, the TMCH is already available.
Uruguay		
European Union		

COMMENTS

Brazil

It is not INPI's competence.

Czech Republic

With regard to delegation of GIs as gTLDs, considering the high degree of legal protection enjoyed by GIs and the fact that there are clear lists of GIs, the use of a mechanism similar to the TMCH can prove helpful. However, the limits of such a mechanism need to be stressed: TMCH is only a database put in place by ICANN and it has no binding or legal effects in the gTLD delegation process or in the SLD. TM owners have to pay for registering and renewing. Therefore, it might be considered as one first step in the right direction. On the other hand, for the delegation of country names and names of geographical significance, the already existing mechanisms and policies in place to prevent their unauthorized delegation (including for instance the prohibition to delegate country names) should be maintained.

Estonia

With regard to delegation of GIs as gTLDs, considering the high degree of legal protection enjoyed by GIs and the fact that there are clear lists of GIs, the use of a mechanism similar to the TMCH can prove helpful. However, the limits of such a mechanism need to be stressed: TMCH is only a database put in place by ICANN and it has no binding or legal effects in the gTLD delegation process or in the SLD. TM owners have to pay for registering and renewing. Therefore, it might be considered as one first step in the right direction. On the other hand, for the delegation of country names and names of geographical significance, the already existing mechanisms and policies in place to prevent their unauthorized delegation (including for instance the prohibition to delegate country names) should be maintained.

Georgia

Georgia considers that protection of Geographical Indications through creating a special clearinghouse is possible without causing major cost for users/stakeholders of Geographical Indications.

Hungary

In connection with this question we share the opinion of the EU, which is the following:

With regard to delegation of GIs as gTLDs, considering the high degree of legal protection enjoyed by GIs and the fact that there are clear lists of GIs, the use of a mechanism similar to the TMCH can prove helpful. However, the limits of such a mechanisms need to be stressed: TMCH is only a database put in place by ICANN and it has no binding or legal effects in the gTLD delegation process or in the SLD. TM owners have to pay for registering and renewing. Therefore, it might be considered as one first step in the right direction.

Iceland

Would be willing to explore the option.

Japan

MIC Provided that geographical names are so closely related to the area's inhabitants past and present that their arguments should be respected.

Portugal

It seems appropriate the use of a similar mechanism.

Singapore

Fair system. Puts onus on countries and regions to protect their own names and what they feel is important to them. There should be no fees for participation in the mechanism though, as countries are acting out of a public interest perspective and not from a commercial standpoint.

Sweden

We have no specific opinion on this.

European Union

With regard to delegation of GIs as gTLDs, considering the high degree of legal protection enjoyed by GIs and the fact that there are clear lists of GIs, the use of a mechanism similar to the TMCH can prove helpful. However, the limits of such a mechanism need to be stressed: TMCH is only a database put in place by ICANN and it has no binding or legal effects in the gTLD delegation process or in the SLD. TM owners have to pay for registering and renewing. Therefore, it might be considered as one first step in the right direction. On the other hand, for the delegation of country names and names of geographical significance, the already existing mechanisms and policies in place to prevent their unauthorized delegation (including for instance the prohibition to delegate country names) should be maintained.

11. Does the current legal and institutional framework for the delegation of “generic terms” as Top-level domains provide for sufficient international legal instruments to prevent the “ex ante” delegation of geographical indications, country names and names of geographical significance?

Responding Party	Reply	COMMENTS
Australia	Yes	
Brazil		It is not INPI's competence.
Chile	Yes	Although ICANN's discussion processes are sufficiently in depth and elaborate to provide for the delegation mentioned in the question, it is necessary to have mechanisms based on public international law for conflict resolution.
Cyprus	Yes	
Czech Republic		Policies in the area of gTLDs are developed by the global multi-stakeholder community in bottom-up processes, according to the multi-stakeholder approach to internet governance. While these policies do not constitute “international legal instruments”, in general, the policies regarding the delegation of geographic names contained in the Applicant Guidebook (AGB) of June 2011 for the delegation of new gTLDs have worked sufficiently well to date and have managed to avoid user confusion on the origin of the products/services offered under that domain name, as well as abuse and unfair competition. However, some issues have arisen in relation to names of geographical significance,

Responding Party	Reply	COMMENTS
		which were not covered by the AGB. Extending similar protections also to these names should be given due consideration in the context of the ongoing review of these policies in the ICANN context.
Ecuador	No	
Estonia	Yes	Policies in the area of gTLDs are developed by the global multi-stakeholder community in bottom-up processes, according to the multi-stakeholder approach to internet governance. While these policies do not constitute “international legal instruments”, in general, the policies regarding the delegation of geographic names contained in the Applicant Guidebook (AGB)5 of June 2011 for the delegation of new gTLDs have worked sufficiently well to date and have managed to avoid user confusion on the origin of the products/services offered under that domain name, as well as abuse and unfair competition. However, some issues have arisen in relation to names of geographical significance, which were not covered by the AGB. Extending similar protections also to these names should be given due consideration in the context of the ongoing review of these policies in the ICANN context.
Georgia		We consider that regulation of this issue on the international level requires further discussions.
Greece	Yes	
Guatemala	No	
Hungary		
Iceland	No	
Italy	No	The current framework is not a legal or institutional. ICANN is a private (no-profit) entity, based in USA. Therefore, ICANN cannot define a legal or institutional framework. Internet needs a legal set of legal rules (binding per se), established by public authorities, particularly where geographic terms and GIs are involved. The status of “generic” provides for a non-restrictive use. In the controversial case, judicial authority has the right to declare whether a term is generic or not. The concerned status is referred to a single jurisdiction so far. Until that moment, a term is considered allegedly generic. The current legal and institutional framework does not provide as a general remark sufficient legal instruments or guarantees to prevent ‘ex ante’ registration of GIs, Country Names and geographical terms even though in some specific cases some safeguards have been taken (e.g. at the time of new TLD registration in 2001/2002 (.biz, .info, .museum). Even if contractual ties which bind the members of ICANN are binding among the parties (even though not being a component of imperative public law), these might be modified in time by the will of the parties without taking into account legitimate concerns for the general and collective interests. Specific contractual measures might or should be taken to provide for ICANN protection of GIs, Country Names and geographical terms but an overall reconsideration of the governance mechanisms should be considered for the time to come.
Japan	No	MIC. At least about brand names, it is not protected by international law and it is insufficient as institutional framework.
Lithuania	No	
Mexico		
New Zealand		
Portugal	No	The framework of protection set out in the 2012 Applicant Guidebook (AGB) at the time of the launch of the new gTLDs excluded, on the grounds of the principles adopted by /CANN's Governmental Advisory Committee (GAG), the use and commercialization of the country or

Responding Party	Reply	COMMENTS
		territory names based on official lists from international organizations (United Nations and ISO). However, the ISO 3166 standards for countries and territories, despite being a good practice in the international regulation in various sectors, have been questioned by /CANN (Internet Corporation for Assigned Names and Numbers), including at the second level of gTLDs. Furthermore, AGB allowed the use and commercialization of other kinds of geographical names (eg capitals, cities or districts), with government authorization and based on defined criteria. Finally, there are a set of place names which are not protected, namely names of rivers, mountains as well as geographical indications. In short, the framework of protection is fragile and self-regulated by /CANN, that can change it at any time. As stated above for this non-profit organization following ISO standards is not mandatory.
Republic of Korea		
Republic of Moldova		
Romania	No	
Russian Federation	No	The Coordination Center believes that it is extremely important to determine the priority among various categories of users when resolving conflicts. Such situations may include a conflict of interest between international and national governmental organizations, government authorities at the national/regional/municipal level, persons authorized by government bodies and holders of trademark rights.
Singapore	Yes	Country names are protected at the top-level under ICANN's policies. It seems less clear for geographical indications and names of geographical significance as ICANN's policies do not explicitly state any protections for these 2 types of names.
Sweden		We have no specific opinion on this. Sweden have in general no problem with use of geographical names etc. as Top-level domains.
Switzerland	No	<p>The current legal and institutional framework for the delegation of top-level domains (i.e., the <i>New gTLD Applicant Guidebook</i> issued by the Internet Corporation for Assigned Names and Numbers (ICANN) in 2012) protects only a small number of categories of geographical terms, namely the country and territory names listed in Part 1 of the ISO 3166 standard (which may not be delegated), the names of capital cities in accordance with Part 1 of the ISO 3166 standard, the names of cities when used for purposes associated with those cities, the names of countries' geographic subdivisions listed in Part 2 of the ISO 3166 standard (cantons, counties, provinces and states) and the names of UNESCO geographical regions (which may be delegated with the support of, or in the absence of any objection by, the government or competent public authority concerned).</p> <p>This legal and institutional framework does not, however, cover a number of names of geographical significance, which has unfailingly led to serious conflicts, such as the ".amazon" domain dispute, that have still not been settled. In order to prevent, or at least minimize, such disputes in future, it would be advisable to use a broader notion of geographical terms and to apply the no-objection principle when delegating such terms, while developing complementary assistance and protection tools (such as a mechanism similar to the TMCH mentioned in question 10 or a committee tasked with issuing warnings or giving advice on the delegation of geographical terms).</p>
United States of America	No	What is the need to prevent the "ex ante" delegation of geographical indications, country names and names of geographical significance as top level domains? We are not aware of any legal basis to prevent the

Responding Party	Reply	COMMENTS
		"ex ante" delegation of GIs, country names and names of geographical significance.
Uruguay		
European Union		Policies in the area of gTLDs are developed by the global multi-stakeholder community in bottom-up processes, according to the multi-stakeholder approach to internet governance. While these policies do not constitute "international legal instruments", in general, the policies regarding the delegation of geographic names contained in the Applicant Guidebook (AGB) of June 2011 for the delegation of new gTLDs have worked sufficiently well to date and have managed to avoid user confusion on the origin of the products/services offered under that domain name, as well as abuse and unfair competition. However, some issues have arisen in relation to names of geographical significance, which were not covered by the AGB. Extending similar protections also to these names should be given due consideration in the context of the ongoing review of these policies in the ICANN context.

12. Under which conditions should the gTLDs process provide for the delegation of a geographical name, coinciding or not with a geographical indication, a country name or a name of geographical significance, as a Top-level domain?

Responding Party	Conditions under which the gTLDs process should provide for the delegation of a geographical name as a Top-level domain
Australia	Where the legitimate use of the GI, country name or geographical terms is not misleading it would be appropriate for it to be delegated as a Top-level domain.
Brazil	It is not INPI's competence.
Chile	Consider a multi-stakeholder discussion process (multi-stakeholder model).
Cyprus	To have the approval from the affecting Government or to maintain a geographical blocking list where each Government can update the blocking list with the geographic names/location that needs to protect.
Czech Republic	Country and territory names (listed on ISO 3166) should not be delegated as gTLDs, in line with current ICANN policies based on the Advice of the Governmental Advisory on this matter ³ . The current safeguards for the delegation of geographical names (e.g. support or non-objection by relevant government or public authority) should be maintained and possibly improved in the event that specific evidence is provided on the need to modify them. The ICANN multi-stakeholder community is still exploring possible ideas to improve the current policies, for ex. through the creation of lists or repositories and/or the requirement of non-objection by the relevant government or public authority also for names of geographical relevance which are currently not covered in the definition and rules of the AGB. In this context, geographical indications applied not only to geographic gTLDs but also to second-tier allocations within those gTLDs should be given appropriate consideration.
Ecuador	
Estonia	Country and territory names (listed on ISO 3166) should not be delegated as gTLDs, in line with current ICANN policies based on the Advice of the Governmental Advisory on this matter. The current safeguards for the delegation of geographical names (e.g. support or non-objection by relevant government or public authority) should be maintained and possibly improved in the event that specific evidence is provided on the need to modify them. The ICANN multi-stakeholder community is still exploring

³ <https://gac.icann.org/content/Migrated/gac-principles-regarding-new-gtlds>: "new gTLDs should respect. The sensitivities regarding terms with national, cultural, geographic and religious significance"; "ICANN should avoid country, territory or place names. and country, territory or regional language or people descriptions, unless in agreement with the relevant government or public authorities" (GAC Principles regarding new gTLDs, 2007)".

Responding Party	Conditions under which the gTLDs process should provide for the delegation of a geographical name as a Top-level domain
	possible ideas to improve the current policies, for ex. through the creation of lists or repositories and/or the requirement of non-objection by the relevant government/public authority also for names of geographical relevance which are currently not covered in the definition and rules of the AGB. In this context, geographical indications applied not only to geographic gTLDs but also to second-tier allocations within those gTLDs should be given appropriate consideration.
Georgia	Georgia appreciates the work of the SCT, which takes significant steps forward in developing of discussions on this important issue on the international level. We consider that the protection granted to geographical indication, country name or a name of geographical significance as a Top-level domain has to be fulfilled in reasonable and balanced manner.
Greece	
Guatemala	Draft legal instruments that expressly allow or disallow the award of a domain name that does not coincide with the geographical indication of the applicant.
Hungary	
Iceland	Country names and geographical names of national significance = under no conditions unless owned by the relevant state.
Italy	As general remarks, geographical terms can be delegated only to the competent public authorities. GI is not delegable in the TLD and SLD process, unless the Registrant is the State of origin and/or the group of producers having legal standing under the law of the Contracting Party of Origin to assert the rights of the beneficiaries or other rights in geographical indication". As to Country Names and geographical terms, while a reconsideration of rules of substantial law on their protection is needed, a mechanism should be established to ensure consideration of interests on the geographical expression, including public authority interest, private groups of interests and individual interests.
Japan	MIC. Please ask to ICANN.
Lithuania	Delegation must be made only with official approval of specific country or specific geographical unit administrative body.
Mexico	
New Zealand	
Portugal	Under government or public authority authorization with legitimacy and administrative jurisdiction over the area in question.
Republic of Korea	
Republic of Moldova	
Romania	Express legal provisions
Russian Federation	The Applicant Guidebook (The Applicant Guidebook, AGB https://newgtlds.icann.org/en/applicants/agb), was developed within the context of preparations for the round of applications to be filed for new 2012 ICANN gTLDs, which imposed a ban on delegation of the designations coinciding with names of the countries and territories and instituted a requirement for presenting a consent or non-objection from the relevant authorities in relation to designations coinciding with the names of capitals, cities, subnational geographical names, including the names of districts, provinces, or regions as well as the names appearing in the UNESCO list of regions or in the "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings list".
Singapore	The name should only be accepted/approved/delegated when there has been express authorization from the government of the country involved. There should also be an objection process. For e.g. 30-day period for any entity to lodge its objection, if any, to the gTLD application
Sweden	We have no specific opinion on this. Sweden have in general no problem with use of geographical names etc. as Top-level domains.

Responding Party	Conditions under which the gTLDs process should provide for the delegation of a geographical name as a Top-level domain
Switzerland	The current legal and institutional framework for the delegation of top-level domains (i.e. the ICANN 2012 <i>New gTLD Applicant Guidebook</i>) protects only a small number of categories of geographical terms, and this should be remedied (see question 11 above).
United States of America	There should be no conditions placed on the TLD delegation process if the TLD coincides with a geographical indication, country name or name of geographical significance.
Uruguay	
European Union	Country and territory names (listed on ISO 3166) should not be delegated as gTLDs, in line with current ICANN policies based on the Advice of the Governmental Advisory on this matter ⁴ . The current safeguards for the delegation of geographical names (e.g. support or non-objection by relevant government or public authority) should be maintained and possibly improved in the event that specific evidence is provided on the need to modify them. The ICANN multi-stakeholder community is still exploring possible ideas to improve the current policies, for ex. through the creation of lists or repositories and/or the requirement of non-objection by the relevant government or public authority also for names of geographical relevance which are currently not covered in the definition and rules of the AGB. In this context, geographical indications applied not only to geographic gTLDs but also to second-tier allocations within those gTLDs should be given appropriate consideration.

13. Is there any rule, legal measure, remedy or legal basis in your jurisdiction suitable to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance?

Responding Party	Rules or legal measures to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance
Australia	The auDA's Reserved List Policy prevents the delegation of certain geographic names. Additionally any domain name allocated must be an exact match, abbreviation or acronym of the registrant's name or trade mark or otherwise closely and substantially connected to the registrant.
Brazil	It is not INPI's competence.
Chile	There is none as such. There is an ex post dispute resolution system.
Cyprus	According with the rules and regulation for the .cy domain names, geographic names which identify geographical locations as they are found on official maps can be issued only to the relevant local authority.
Czech Republic	The AGB provides for specific processes in the event of contention between applied-for gTLD strings that represent geographic names. The ICANN community has developed several rights-protection mechanisms and dispute resolutions procedures ⁵ . These were subject to a review by stakeholders ⁶ .
Ecuador	Article 360. Absolute prohibitions on trademark registration.- Trademark registration is absolutely prohibited for signs that: 10. reproduce, imitate or contain a protected appellation of origin for the same products or for different products when its use could cause a risk of confusion or association with the appellation or imply unfair exploitation of its fame; 14. reproduce or imitate the name of the State, local governments or their official symbols, as well as the names, acronyms and official

⁴ <https://gac.icann.org/contentMigrated/gac-principles-regardingq-new-gtlds>: "new gTLDs should respect. The sensitivities regarding terms with national, cultural, geographic and religious significance"; "ICANN should avoid country, territory or place names. and country, territory or regional language or people descriptions, unless in agreement with the relevant government or public authorities" (GAC Principles regarding new gTLDs, 2007)".

⁵ <https://www.icann.org/resources/pages/rpm-drp-2017-10-04-en>

⁶ <https://newgtlds.icann.org/en/reviews/cct/rpm>

Responding Party	Rules or legal measures to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance
	symbols of public institutions, bodies and entities or signs that constitute a country brand unless its registration is requested by the competent authority.
Estonia	The AGB provides for specific processes in the event of contention between applied-for gTLD strings that represent geographic names. The ICANN community has developed several rights-protection mechanisms and dispute resolutions procedures. These were subject to a review by stakeholders Also see previous answers.
Georgia	No
Greece	<p>DECISION No.: 268/73- 25-11-2002</p> <p>CHAPTER III TERMS OF NON ACCEPTANCE TERMS OF DELETION</p> <p>Grounds for Rejection of an Application for Assignment, Article 5 c and f</p> <ul style="list-style-type: none"> - Identity to Geographical terms – According to the List of geographical terms on the EETT , the applicant website is not the respective Local Authority. - Use of a Country code (ISO 3166-1 list). - Signs and emblems of Greek state or other states, as well as signs and symbols of great national or religious importance. - It is a sign mentioned in the Paris Convention for the Industrial Property. <p>If from the details of the Application for a Registration, submitted in accordance with the Regulation, is not resulted that the Agency is a governmental organization to which may be assigned a Generic Name of 3rd level domain under the .gov.gr domain name.</p>
Guatemala	No
Hungary	
Iceland	No (see question 9)
Italy	<p>No</p> <p>There is not. ICANN acts out of Italian jurisdiction concerning GIs. As far as geographical terms Italy blocked the delegation of “.roma” as gTLDs in 2012, requested by an applicant other than the municipality of Rome. Within the Italian legal order, domain names and eventually TLD (when integrating generic or geographic names, in any case expression with a certain meaning) qualify as atypical distinctive sign and when they are used for commercial purposes shall be subjected to the rules provided by IP law and the law of distinctive signs. While this leaves margins of discretion and flexibility as regards legitimate non-commercial use (and thus registration), for sure IP law bans the misleading use of geographical expressions as distinctive signs and prevent registration of geographical names as trademarks at certain conditions including descriptive or misleading use (except cases when they acquired secondary meaning), in this way establishing an indirect sphere of legitimacy reserving signs to groups, individuals or entities (including territorial authorities) pertaining to the designed geographical area. The rules for delegation by the Italian Registrar Authority (.it) provides for a prohibition of the registration of geographical names of cities, provinces and regions as a second level domain (while they can be registered together with a third level domain) as they are reserved to local authorities or resident. With some adjustment this might be presented as a best practice and eventually a rule to be vested with binding effects so as to verify whether other registrar authorities are aligned. There are no rules concerning the GIs protection in gTLDs process so far. With regard to gTLDs process, ICANN acts out of State or EU (or intergovernmental organizations) jurisdiction concerning GIs and their protection.</p>
Japan	<p>MIC</p> <p>We understand that there isn't any rule, legal measure, remedy or legal basis, unless the act corresponds to the following Unfair Competition as provided for in the UCPA.</p> <p>METI (THE UCPA)</p> <p>When geographical indications correspond to “another person's Specific Indication of Goods or Business”, the below provisions of the Act may be applied.</p> <p>Article 2(1) The term Unfair Competition as used in this Act shall mean any of the following: (...)</p>

Responding Party	Rules or legal measures to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance
	<p>(xiii) the act of acquiring or holding a right to use a Domain Name that is identical or similar to another person's Specific Indication of Goods or Business (meaning a name, trade name, Trademark, Markings, or any other indication of goods or business belonging to a business), or the act of using any of such Domain Name, for the purpose of wrongful gain or causing damage to another person; Also, civil remedies regarding "Wrongful acquisition, usage of a domain name" are regulated by UCPA as below. Article 3(1) A person whose business interests have been infringed on or are likely to be infringed on due to Unfair Competition may make a claim to suspend or prevent that infringement, against the person that infringed or is likely to infringe on the business interests. Article 4 A person who intentionally or negligently infringes on the business interests of another person through Unfair Competition is held liable to compensate damages resulting therefrom; provided, however, that this Article does not apply to damages resulting from the act of using Trade Secrets after the rights prescribed in Article 15 have extinguished pursuant to the same Article.</p>
Lithuania	Name of the country can be used in accordance with the national legislation which is applicable only in corresponding territory/subjects.
Mexico	See reply to question 5.
New Zealand	
Portugal	
Republic of Korea	
Republic of Moldova	
Romania	No
Russian Federation	No
Singapore	
Sweden	There is no regulation in Sweden that prohibits the use of geographical terms as Top-level domains.
Switzerland	<p>Yes. Geographical terms are protected by the right to a name in accordance with Article 29 of the Swiss Civil Code. The public authorities concerned are entitled to assert such rights through the courts in order to combat misuse of their name, including usurpation of the term for use in a top-level domain name. Moreover, the Federal Act on the Protection of Trademarks and Indications of Source protects geographical indications and indications of source against all kinds of usurpation. Such protection may be invoked against the delegation of a top-level domain name. Lastly, the competent Swiss authority must generally ensure in accordance with the legislation on Internet domain names that Swiss law and the interests of Switzerland are upheld in the administration and use of top-level domains that have effects in the country, as may be the case with geographical terms associated with Switzerland</p>
United States of America	<p>No There are no inherent governmental rights in geographic terms, and therefore no basis for preventing the delegation as top level domains of geographical indications, country names and names of geographical significance. Under ICANN's recent New GTLD program, we note that a third party may file a "Legal Rights Objection" LRO to a TLD application if the applied for TLD would be likely to infringe the party's existing TM.</p>
Uruguay	
European Union	The AGB provides for specific processes in the event of contention between applied-for gTLD strings that represent geographic names. The ICANN community has

Responding Party	Rules or legal measures to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance
	developed several rights-protection mechanisms and dispute resolutions procedures ⁷ . These were subject to a review by stakeholders ⁸ .

14. Has your Government (through one of its bodies or other regional or local administrative units) acquired one (or several) gTLDs that contain a geographical term referring to a country or a place inside the territory of the country (for example, “.swiss” was acquired by the Swiss Confederation)?

Responding Party	Reply	COMMENTS
Australia	No	None that we are aware of.
Brazil		It is not INPI's competence.
Chile	No	
Cyprus	No	
Czech Republic	No	
Ecuador	No	
Estonia	No	General legislation is at EU level.
Georgia		
Greece	Yes	The geographic terms of the “.gr “ are included in the list of terms and are published on the EETT website and are assigned to the respective Local Authorities in accordance with article 7 of the .gr Domain Name Management and Assignment Regulation (Government Gazette 593 / B / 14-4 -2011) are assigned to their respective Local Government Organizations : “athens.gr” is assigned to the Municipality of Athens.
Guatemala	No	
Hungary	No	
Iceland		No information available.
Italy	No	
Japan	No	NTA (GIs for Liquors): gTLDs on GI for liquor are not acquired by National Tax Agency.
Lithuania	No	
Mexico		
New Zealand		
Portugal	No	
Republic of Korea		
Republic of Moldova		
Romania	Yes	Public tourism campaign, "Romania. Explore the Carpathian garden".
Russian Federation	No	
Singapore	No	
Sweden		The City of Stockholm has acquired the gTLD .stockholm.
Switzerland	Yes	The “.swiss” domain acquired by the Swiss Confederation and the “.zuerich” domain acquired by the Canton of Zurich.
United States of America	No	
Uruguay		
European Union	No	

⁷ <https://www.icann.org/resources/pages/rpm-drp-2017-10-04-en>

⁸ <https://newgtlds.icann.org/en/reviews/cct/rpm>

15. Does your national legislation provide for measures, procedures and remedies for interested parties to prevent or invalidate the registration of geographical indications, country names and geographical terms:

Responding Party	as generic TLD?	as second-level domains in gTLD?	COMMENTS
Australia			.auDA policy does not apply to TLD or second level TLDs.
Brazil			It is not INPI's competence.
Chile	No	Yes	
Cyprus			
Czech Republic	No	No	
Ecuador	No	Yes	
Estonia	No	No	Registration of domain names pursuant to the principle "first come, first served". Hijacked domains or registered domain names that coincide with or are similar to well-known trademarks- can be appealed. In order to prevent such situations the Estonian Internet Foundation has established the Domain Disputes Committee (DDC).
Georgia	No	No	
Greece	Yes	Yes	Art. 10, par. 9, of the Regulation on Management and Assignment of .gr Domain Names.
Guatemala	Yes	Yes	
Hungary			
Iceland	No	No	.is DNS are provided by a private company. According to available information it has been difficult to act in any cases concerning breach of right.
Italy	No		Concerning TLDs the concerned delegation process is out of Italian jurisdiction. As far as SLDs, a claimant may file an opposition: - directly to the Italian competent authority to delegate SLDs in .it; - to the competent judicial authority, in order to invalidate the delegation. Registration by the Italian registrar is managed under the rules for registration established by the same registrar under international coordination. The rules for delegation provide for mandatory administrative procedures which allow opposition by third parties interested in challenging registration."
Japan	No	No	MIC - Some GIs are already reserved. - We understand that our national legislation provides for no such measures, procedures or remedies, unless the act corresponds to the following Unfair Competition as provided for in the UCPA. METI (The UCPA) When geographical indications correspond to "another person's Specific Indication of Goods or Business", the below provisions of Act may be applied. Article 2(1) The term Unfair Competition as used in this Act shall mean any of the following: (...) (xiii) the act of acquiring or holding a right to use a Domain Name that is identical or similar to another person's Specific Indication of Goods or Business (meaning a name, trade name, Trademark, Markings, or any other indication of goods or business belonging to a business), or the act of using any of such Domain Name,

Responding Party	as generic TLD?	as second-level domains in gTLD?	COMMENTS
			<p>for the purpose of wrongful gain or causing damage to another person; Also, civil measures regarding “Wrongful acquisition, usage of a domain name” are regulated by UCPA as below. Article 3(1) A person whose business interests have been infringed on or are likely to be infringed on due to Unfair Competition may make a claim to suspend or prevent that infringement, against the person that infringed or is likely to infringe on the business interests. Article 4 A person who intentionally or negligently infringes on the business interests of another person through Unfair Competition is held liable to compensate damages resulting therefrom; provided, however, that this Article does not apply to damages resulting from the act of using Trade Secrets after the rights prescribed in Article 15 have extinguished pursuant to the same Article. NTA (GIs for Liquors): See question 4.</p>
Lithuania	No	No	
Mexico			See reply to question 5.
New Zealand			
Portugal			
Republic of Korea			
Republic of Moldova			
Romania			The legislation provides for procedures on geographical indications.
Russian Federation	No	No	
Singapore	No	No	
Sweden			There is no regulation in Sweden that prohibits the use of geographical names etc. in the DNS.
Switzerland	Yes	Yes	Geographical terms are protected by the “right to a name”. Furthermore, geographical indications and indications of source are protected against all kinds of usurpation (see question 13).
United States of America	No	No	If protected as a trademark, measures exist such as the LRO, under ICANN's new gTLD process, and the UDRP/URS as well as the ACPA concerning second level domains.
Uruguay	No	No	
European Union	No	No	At national level, YES for some Member States.

16. Have the judicial authorities (civil, criminal or administrative) of your jurisdiction already ruled on a dispute involving a geographical term (country name, indication of source, or other geographical term) and a domain name?

Responding Party	Judicial authorities ruled on a dispute involving a geographical term	If Yes, what was the final decision and what were the key considerations relating to this matter?
Australia	No	
Brazil		
Chile	Yes	In the domain name dispute resolution system, there have been some cases in which a geographical indication (e.g., limondepica.cl) or a toponymic was granted to the municipality claiming it, or in which there was a ruling in favor of an individual, in cases of legitimate use and good faith (e.g., cartagena.cl).
Cyprus	No	
Czech Republic	Yes	ostrava.cz case (2005) - based on the protection of the name of the legal entity not on the protection of the GI. The city of Ostrava have won.
Ecuador	No	
Estonia	No	
Georgia	No	
Greece		
Guatemala	No	
Hungary		
Iceland	No	
Italy	No	
Japan	No*	
Lithuania	No	
Mexico	No	
New Zealand		
Portugal		
Republic of Korea		
Republic of Moldova		
Romania	Yes	There have been a few cases before the courts having geographical indications. there have been a few cases before the courts having geographical indications. In one case, the court ordered the admission of a product under a geographical indication to an association of local producers nationwide.
Russian Federation		
Singapore	No	
Sweden		
Switzerland	Yes	The cases decided by the Federal Supreme Court of Switzerland include Federal Supreme Court Judgment (ATF) 126 III 239 (Bernerobderland.ch), ATF 128 III 353 (Montana.ch) and ATF 128 III 401 (Luzern.ch). Considerations The protection of the right to a name guaranteed by the Swiss Civil Code also applies to geographical terms. The public authorities concerned are entitled to assert such rights through the courts in order to combat misuse of their name. Domain names must be sufficiently different from third parties' distinctive signs that are afforded absolute protection, such

Responding Party	Judicial authorities ruled on a dispute involving a geographical term	If Yes, what was the final decision and what were the key considerations relating to this matter?
		the right to a name. The decisive factor is the composition of the address as such, not the content or presentation of the website designated by the address. Conclusions The Federal Supreme Court held that those domain names infringed the claimant public authorities' right to a name.
United States of America	No	
Uruguay		
European Union	No	

COMMENTS

Australia

None that we are aware of.

Brazil

It is not INPI's competence.

Estonia

Only geographical indications.

Hungary

We are not aware of such decisions.

Japan

* For MIC and NTA.

NTA (GIs for Liquors): no judicial precedent for liquor as of now.

Russian Federation

The Coordination Center does not have access to this information.

(ii) ccTLDs

17. Are there any conditions for registering a SLD⁹ in your ccTLD consisting of

Responding Party	a geographical indication?	a country name?	a geographical term?
Australia	Yes	Yes	Yes
Brazil			
Chile	No	No	No
Cyprus	Yes	Yes	Yes

⁹ A second-level domain name (SLD) is a domain that is directly below a top-level domain (generic (gTLD) or country code (ccTLD)). For example, in **geneva.ch**, **geneva** is the second-level domain of the ccTLD **.ch**.

Responding Party	a geographical indication?	a country name?	a geographical term?
Czech Republic	No	No	No
Ecuador	No	No	No
Estonia	No	No	No
Georgia	No	Yes	Yes
Greece	Yes if the application is filed by the owner or the authorized users of the geographical indication.	Yes If it is a national Authority or Organization of the country.	Yes if it is the relative local authority of the specific geographical term.
Guatemala	No	No	No
Hungary	Yes	Yes	No
Iceland			
Italy	No	Yes	Yes
Japan	No (MIC)	No (MIC)	No (MIC)
Lithuania	No	Yes	No
Mexico			
New Zealand	No	No	No
Portugal	Yes	Yes	Yes
Republic of Korea			
Republic of Moldova	No	No	No
Romania	No	No	No
Russian Federation	No	No	No
Singapore	No	Yes	No
Sweden			
Switzerland	No	No	Yes
United States of America	No	No	No
Uruguay	No	No	No
European Union	No	No	No

COMMENTS

Australia

To register a domain name the registrant must be eligible to register under auDA's Domain Name Eligibility and Allocation Policy Rules for Open 2LDs. (including an Australian citizen or and Australian registered company or business, or a foreign company licensed to trade in Australia). Additionally, the domain name must be an exact match, abbreviation or acronym of the registrant's name or trade mark or otherwise closely and substantially connected to the registrant.

If the domain name is the name or abbreviation of an Australian state or territory, the applicant must have written authorization to use the name or abbreviation from the relevant state or territory government.

In addition to the above depending on the second level domain name there are further considerations, for example asn.au and org.au can only be registered by non-commercial organizations, .com.au by commercial organizations and .id.au by individuals.

Brazil

We don't have knowledge of this subject.

Cyprus

We don't register second-level domain names directly below to the country code (ccTLD). We register only third-level domain name like test.com.cy and for these domain names we have the following rule: 'Geographical names which identify geographical locations as they are found on official maps can be issued only to the relevant local authority'.

Czech Republic

However, Article 5 (2) of Regulation (EC) No 733/2002 provides the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.

Estonia

However, Article 5 (2) of Regulation (EC) No 733/2002 provides the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.

Iceland

No information available.

Hungary

For more details, see also answers to question 8.

Italia

The term 'Italia' (also in translation) is reserved and not delegable. Under the rules for registration of the Italian Registrar (.it) geographical names are reserved and may not be delegated as second level domain.

Republic of Moldova

The registration of the domain name moldova.md is performed only for the bodies of the central state public administration and its officers (REGULATION No. 196 of 19.02.2001 with regard to domain name .md).

Russian Federation

Restrictions were introduced at the initiative of organizations that are registrars of the TLDs .RF, .MOSKVA, .MOSCOW at the stage of launching the respective domains.

Singapore

Newly registered names are monitored. For those containing "sg" or "singapore", SGNIC will allow the registration to go through only if it does not get confused with a government entity.

Sweden

There is no regulation in Sweden that prohibits the use of geographical names etc. at the second level. However, a registration of a domain name can be challenged via the dispute resolution procedure provided by the ccTLD registry, see https://www.iis.se/english/dispute_resolution/for-se/.

Switzerland

The ccTLD “.ch” is reserved for assigning the names of Swiss cantons and communes.

The beneficiaries of a geographical indication or the holders of rights to a geographical designation may challenge an assigned domain name through dispute resolution proceedings.

European Union

However, Article 5 (2) of Regulation (EC) No 733/2002 provides the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.

18. The following requires domiciliation in your jurisdiction:

Responding Party	the registration of a domain name in your ccTLD	If Yes, does the procedure for registration require demonstration of a link between the applicant of SLD and the country?	the renewal of a domain name in your ccTLD	the use of a domain name in your ccTLD
Australia	Yes	Yes	Yes	Yes
Brazil				
Chile	No		No	No
Cyprus	Yes	Yes	No	Yes
Czech Republic	No		No	No
Ecuador	No		No	No
Estonia	No		No	No
Georgia	No		No	No
Greece	Yes	Yes	Yes	Yes
Guatemala	No		No	No
Hungary	No		No	No
Iceland	No		No	No
Italy	Yes			
Japan	Yes (MIC)	Yes (MIC)	Yes (MIC)	No (MIC)
Lithuania	No		No	No
Mexico				
New Zealand				
Portugal	No		No	No
Republic of Korea				
Republic of Moldova	No		No	No
Romania	No		No	No
Russian Federation				
Singapore	No		No	No
Sweden				
Switzerland	No		No	No
United States of America	No		No	No
Uruguay	Yes			
European Union	Yes	No	Yes	No

COMMENTS

Australia

As per question 17, to register a domain name the registrant must meet the eligibility requirement of being either an Australian citizen or registered company or business, or a foreign company licensed to trade in Australia. The registrant must comply with auDA policy when submitting an application to register and renew a domain name. The domain name must be an exact match, abbreviation or acronym of the registrant's name or trade mark or otherwise closely and substantially connected to the registrant.

Hungary

In order to register an SLD under .hu, the requester shall have the domicile in the areas specified in the Rule 1.1.1.a or 1.1.1.c of the Domain Registration Rules or have a registered trademark for the territory of Hungary.

Italy

According the Regulation on delegating and management of domain names in the ccTLD .it anyone who is of age and has citizenship, residence or registered office in the countries of the European Economic Area (EEA), in the Vatican State, in the Republic of San Marino and in the Swiss Confederation may file an application as SLD in Italy. Apart from the above mentioned reserves that concern geographical terms, any geographical name being registered might be challenged before courts for misleading use if conditions exist. The registration procedure does not provide for direct assessment of IP conditions for registration apart from specific cases.

Russian Federation

The Coordination Center does not have access to this information.

Singapore

While the main registrant of a .SG domain name does not need to be domiciled in Singapore, the administrative contact of the domain name needs to have a valid postal address or a SingPass ID to perform identity verification under one of SGNIC's initiatives.

European Union

Rather than "domiciliation", the eligibility criteria for obtaining a .eu TLO are currently based on the concept of "residency" of the registrant. The Registry for .eu does not require the registrant to show any evidence (demonstration) of such "link". However, EURid registrars are obliged to make sure .eu registrants meet the current eligibility criteria – this can be achieved in various ways spanning from asking evidence of the stated contact details to the registrants to contacting them *a posteriori* via mail or random Whois checks.

19. Does your country maintain a repository of protected/reserved names?

Responding Party	A repository of protected/reserved names exists	If Yes, under what legal basis?
Australia	Yes	The .au domain administrator maintains a reserved list policy and it contains the following: "Words and phrases that are restricted under Commonwealth legislation, names and abbreviations of Australian states and territories and the name "Australia" and names that may pose a risk to the operational stability and utility of the .au domain."
Brazil		
Chile	No	

Responding Party	A repository of protected/reserved names exists	If Yes, under what legal basis?
Cyprus		
Czech Republic	Yes	For the .eu TLD EU legislation provides the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts ("reserved geographical and geopolitical names") which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.
Ecuador	No	
Estonia	Yes	Special conditions for registering reserved domains. The purpose of this document is to specify, pursuant to clause 3.2.5 of the Estonian Internet Foundation (EIF) Domain Regulation, a list of reserved domains and special conditions for registering reserved domains.
Georgia	No	
Greece	Yes	
Guatemala	No	
Hungary	Yes	According to Rule 2.2.3 of the Domain Registration Rules and Procedures, a domain name may not be selected if a) it is already registered under the particular public domain, or b) belongs to the protected names published on the web server. The protected names are published on the following link: http://www.domain.hu/domain/English/szabalyzat/specnev.html
Iceland		
Italy	Yes	
Japan	Yes	MIC: we have a repository of ".jp".
Lithuania	Yes	.It registry maintain list of reserved domain name labels to ensure the enforcement of the Rules of Using the State name of Lithuania in Internet Domain Names, approved by Resolution of the Government of the Republic of Lithuania No. 1272.
Mexico		
New Zealand		
Portugal	No	
Republic of Korea		
Republic of Moldova	Yes	Regulation No. 196 of 19.02.2001 with regard to domain name .md
Romania	No	
Russian Federation		
Singapore	Yes	The .SG registry operator, SGNIC, sets the registration policies governing .SG names. All registrants registering .SG names will need to comply with the registration rules and procedures. They are also bound by the Domain Name Registration Agreement (DNRA) and the Acceptable Use Policy for Registrants (AUPT).
Sweden		
Switzerland	Yes	The list is based on the bilateral treaties by which Switzerland is bound. These treaties list the geographical indications that are protected in Switzerland. The list is available at https://ph.ige.ch/ph/index.xhtml . Furthermore, the list of names of Swiss communes to which ".ch" and ".swiss" is assigned exclusively is based on the official register of Swiss communes (https://www.bfs.admin.ch/bfs/fr/home/bases-

Responding Party	A repository of protected/reserved names exists	If Yes, under what legal basis?
		statistiques/repertoire-officiel-communes-suisse.html), which has been drawn up by the Swiss Federal Statistical Office.
United States of America	Yes	
Uruguay		
European Union	Yes	For the .eu TLD EU legislation provides the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts ("reserved geographical and geopolitical names") which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.

COMMENTS

Brazil

It is not INPI's competence.

Estonia

List of broadly-recognized names with regard to geographical and/or geopolitical concepts ("reserved geographical and geopolitical names") which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.

Georgia

CcTLD administrators Caucasus Online and ITDC hold the list of the protected/reserved names, namely the list of villages and cities of Georgia and also names of Countries, which cannot be registered without authorization according to the rules of the administrators.

Iceland

No information available.

Italy

At national level, "Registro" is the Italian authority to delegate SLD in «.it». Regulation on delegating and management of domain names in the ccTLD .it provides the lists of Italian geographical locations, including Italy, regions, provinces and municipalities. Those terms cannot be freely registered as second domain names. They are reserved and not delegable. However, there's not a comprehensive list of protected geographical names.

Russian Federation

The Coordination Center does not have access to this information.

Sweden

The ccTLD registry does.

United States of America

The following are categories of reserved names in .us: numbers five digits and higher, numbers in the format five digits-four digits zip codes; telephone numbers including toll free numbers; tagged domain names; as well as some geographical terms. At the initial establishment of the ccTLD, .us was locality based. In 2003, after the U.S. Department of Commerce assumed management responsibility for .us, certain Federal, State, and local names were reserved from open registration to ensure their availability to Federal, State and Local governments. Many of these names were released starting in 2004, while others continue to be reserved indefinitely at the proactive request of the locality (for a fee). At the end of 2004, the process for registering these names concluded and all names not registered or proactively reserved were released. The policy is now defunct and no longer active. Also, some names were permitted to be reserved in kids.us to encourage future registration by localities, administered under the .us Contract; the name space has been suspended since 2012.

20. Does your national legislation provide for measures, procedures and remedies for interested parties to prevent or invalidate the registration of geographical indications, country names and geographical terms as second-level domains in ccTLD?

Responding Party	Reply	COMMENTS
Australia	Yes	An interested party can lodge a complaint to the domain administrator on a number of grounds including on the basis of registrant eligibility, the domain being confusing similar to a trade mark or service mark, the applicant has no rights or legitimate interests in respect of the domain name, the domain name has been registered or subsequently used in bad faith.
Chile	Yes	Through the procedure provided for in the Regulation for the Operation of the .Cl domain and in its Dispute Resolution Policy.
Cyprus	Yes	
Czech Republic	Yes	EU legislation provides for the .eu TLD the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.
Ecuador	Yes	
Estonia	No	
Georgia	No	
Greece	Yes	
Guatemala	Yes	
Hungary	No	The measures, procedures and remedies for interested parties to prevent or invalidate the registration of geographical indications, country names and geographical terms as second level domains in ccTLD are covered by the Domain Registration Rules and Procedures.
Iceland	Yes	According to the rules of ISNIC an independent BoA may handle domain name disputes. Rights to a domain may also according to the rules become void if the BoA "or any court formally qualified to issue legally binding verdict comes to the decision that another party has greater rights to that domain."
Italy	Yes	According to Italian Registrar rules for delegation (.it), SLD may be challenged as it is the third level domain and the domain name as a whole at the conditions already exposed above.
Japan	No*	*MIC: We understand that our national legislation provides for no such measures, procedures or remedies, unless the act corresponds to the following Unfair Competition as provided for in the UCPA. METI (The UCPA):

Responding Party	Reply	COMMENTS
		<p>When geographical indications correspond to “another person's Specific Indication of Goods or Business”, the below provisions of the Act may be applied.</p> <p>Article 2(1) The term Unfair Competition as used in this Act shall mean any of the following: (...)</p> <p>(xiv) the act of acquiring or holding a right to use a Domain Name that is identical or similar to another person's Specific Indication of Goods or Business (meaning a name, trade name, Trademark, Markings, or any other indication of goods or business belonging to a business), or the act of using any of such Domain Name, for the purpose of wrongful gain or causing damage to another person;</p> <p>Also, civil measures regarding “Wrongful acquisition, usage of a domain name” are regulated by UCPA as below.</p> <p>Article 3(1) A person whose business interests have been infringed on or are likely to be infringed on due to Unfair Competition may make a claim to suspend or prevent that infringement, against the person that infringed or is likely to infringe on the business interests.</p> <p>Article 4 A person who intentionally or negligently infringes on the business interests of another person through Unfair Competition is held liable to compensate damages resulting therefrom; provided, however, that this Article does not apply to damages resulting from the act of using Trade Secrets after the rights prescribed in Article 15 have extinguished pursuant to the same Article.</p> <p>NTA (GIs for Liquors): See Q4.</p>
Lithuania	No	
Mexico		See reply to question 5.
New Zealand		
Portugal		<p>As noted above, the registration of a domain name under the national ccTLD, .pt is subject to compliance with .PT Domain Registration Rules, which has not legal force, although all the registrants are obliged to comply with it. This document includes a provision that states that a domain name under .pt hierarchy cannot correspond to a geographical name, except for registrations in the .com.pt second level domain, to which this prohibition is not applied, and directly under .pt within the terms of sub-paragraph b) of article 12; § Geographical name is understood to be any name, regardless of the language in which it is written, which coincides, namely, with: a) Any alpha-3 code listed in the ISO 3166-1 standard¹ ; b) The name of a country or territory listed in the ISO 3166-1 standard² ; c) The name of a country or territory recognized by UNESCO³ ; d) The name of a Portuguese city, civil parish, municipality, administrative region or demarcated area;⁴ e) The name of a foreign capital, city or demarcated area which, due to its notoriety or relevance, is of common knowledge; f) Other Portuguese or foreign toponyms, such as rivers, hills, neighborhoods or historic areas, which due to their notoriety and relevance, are of common knowledge.</p>
Republic of Korea		
Republic of Moldova		
Romania	Yes	The national legislation provides for the right of persons entitled to apply to the courts for breaching certain rights (GI's domain).
Russian Federation	No	
Singapore	No	
Sweden	Yes	Effective dispute resolution is mandatory according to the Top Level Act.
Switzerland	Yes	The Rules of Procedure for Dispute Resolution Proceedings apply to owners of “.ch” domain names and may be initiated by the holder or

Responding Party	Reply	COMMENTS
		beneficiary of a right in a distinctive sign, including a right in a geographical indication or in a geographical term (see Article 1 of the Rules of Procedure for Dispute Resolution Proceedings; see, too, WIPO Arbitration and Mediation Center case DCH2006-0003 on the transfer of "suisse.ch" to the Swiss Confederation). Article 29 of the Swiss Civil Code protects the right to a name, thus covering not only the names of people but also geographical terms. A public law corporation may file a civil lawsuit in order to have a domain name containing its geographical term transferred the second-level domain, if it is being used unlawfully. Under the Federal Trade Mark Protection Act, misuse of indications of source may be prevented or terminated (Articles 55 and 59), for example in the case of a domain name containing an unlawfully used indication of source.
United States of America	No	If protected as a trademark, a party can pursue a complaint under the us TLD Dispute Resolution Policy (usDRP), the usTLD Rapid Suspension Dispute Policy (usRS), or file a federal court action based on the Anti-Cybersquatting Consumer Protection Act (ACPA).
Uruguay		
European Union	Yes	EU legislation provides for the .eu TLD the possibility for EU Member States to notify the European Commission of a limited list of broadly-recognized names with regard to geographical and/or geopolitical concepts which may not be registered or be registered only at second level by the countries referred to in the mentioned lists.

21. Have the judicial authorities (civil, criminal or administrative) of your jurisdiction already ruled on a dispute involving a geographical term (country name, indication of source, or other geographical term) and a domain name?

Responding Party	Judicial authorities ruled on a dispute involving a geographical term	If Yes, what was the final decision and what were the key considerations relating to this matter?
Australia	No	
Brazil		
Chile	Yes	In the domain name dispute resolution system, there have been some cases in which a geographical indication (e.g., limondepica.cl, apalta.cl) or a toponymic was granted to the municipality claiming it, or in which there was a ruling in favor of an individual, in cases of legitimate use and good faith (e.g., cartagena.cl).
Cyprus	No	
Czech Republic	No	
Ecuador	No	
Estonia	No	
Georgia	No	
Greece		
Guatemala	No	
Hungary	Yes	We are aware of decisions of the Alternative Dispute Resolution Forum (Consulting Board), which may decide in legal disputes concerning domain names before the delegation of the domain. For example in case "www.nagytetety.hu" the domain was related to a geographical

Responding Party	Judicial authorities ruled on a dispute involving a geographical term	If Yes, what was the final decision and what were the key considerations relating to this matter?
		term protected by local legislation and it was not delegated to the requester, because it was not entitled to use the domain according to the mentioned local rule. The decision may be found in Hungarian in the following link: http://www.domain.hu/domain/English/tt/egyedi_allasfoglalasok/egyedi_009_2002.html
Iceland	No	
Italy	No	
Japan	No*	
Lithuania		
Mexico	No	
New Zealand		
Portugal	No	
Republic of Korea	Yes	
Republic of Moldova		
Romania	No	
Russian Federation		
Singapore	No	
Sweden		
Switzerland	Yes	See the reply to question 16.
United States of America	No	
Uruguay		
European Union	No	

COMMENTS

Brazil

It is not INPI's competence.

Iceland

No information available.

Japan

* MIC and NTA.

GIs for Liquors (NTA): no judicial precedent on GI for liquor as of now.

Russian Federation

The Coordination Center does not have access to this information.

22. Is there a procedure, in the ccTLD of your country, for the settlement of disputes between a complainant and an adverse party relating to a domain name (UDRP or UDRP variant) that must be included in all contracts for the registration of a domain name?

Responding Party	Procedure for the settlement of disputes between a complainant and an adverse party relating to a domain name	If Yes, this procedure refers to the following as a ground on which a claim may be based:					
		intellectual property right	geographical indication	appellation of origin	indication of source	country name	other geographical name
Australia	Yes	Yes					
Brazil							
Chile	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cyprus	Yes	Yes					
Czech Republic	Yes						
Ecuador	No						
Estonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Georgia							
Greece	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Guatemala	No						
Hungary	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Iceland	No						
Italy	Yes	Yes	Yes	Yes		Yes	Yes
Japan	Yes (MIC)	Yes					
Lithuania	No						
Mexico							
New Zealand	Yes	Yes	Yes	No	No	No	No
Portugal	Yes	Yes				Yes	Yes
Republic of Korea							
Republic of Moldova	Yes	Yes					
Romania	No						
Russian Federation	No						
Singapore	Yes	Yes					
Sweden							
Switzerland	Yes	Yes	Yes	Yes	Yes	Yes	Yes
United States of America	Yes	Yes	No	No	No	No	No
Uruguay	Yes	Yes					
European Union	Yes	Yes	Yes	Yes		Yes	Yes

COMMENTS

Australia

Yes the dispute resolution policy which is a variant of the UDRP makes it mandatory to have administrative proceedings if the complaint asserts that the domain name is identical or confusingly similar to a name, trade mark or service mark they have rights in.

Brazil

It is not INPI's competence.

Czech Republic

ADR procedure, <https://www.nic.cz/page/314/pravidla-a-postupy/>

Georgia

The administrator of .ge ccTLD Caucasus Online introduced dispute settlement mechanism, through WIPO arbitration and mediation center. However, at this stage only the cases with regard to trademarks can be considered.

Italy

Filing an opposition it is possible to the Italian Registry, specifying the relevant reasons in the context of mandatory administrative procedures with an arbitration nature. In addition, there is a judicial procedure before the Civil National Court

New Zealand

An intellectual property right includes a geographical indication

Portugal

In the case of dispute over domain names, the registrants of these can agree to turn to institutionalized voluntary arbitration, within the terms of the Voluntary Arbitration Law. Terms and conditions rules available at: <https://www.dns.pt/en/domains-2/arbitrare/>

Republic of Moldova

For trademarks.

United States of America

If the geographic sign is protected as a trademark, the .us ccTLD provides for a dispute resolution policy procedure to address conflicts between trademarks and domain names.

Singapore

The Singapore Domain Name Dispute Resolution Policy (SDRP) mainly deals with trademarks and well-known marks.

Sweden

The ccTLD registry provides a dispute resolution procedure, see https://www.iis.se/english/dispute_resolution/for-se/.

United States of America

If the geographical term is protected as a trademark, the .us ccTLD provides for a dispute resolution policy procedure to address conflicts between trademarks and domain names

Switzerland

In accordance with Article 24 of the Rules of Procedure for Dispute Resolution Proceedings for .ch domain names, proceedings may be initiated for any infringement of a right in a distinctive sign granted to

the claimant under Swiss law. The same holds for the right inherent in a geographical term, pursuant to Article 29 of the Civil Code.

European Union

Terms and conditions for .eu TLD as well as ADR rules are available at: <https://eurid.eu/en/about-us/document-repository/>

23. Is there any state supervision or regulatory framework to which registrars must abide:

Responding Party	for ccTLD?	for gTLD?	COMMENTS
Australia	Yes	Yes	Only accredited registrars can allocate .au domain names and all registrars must meet the accreditation criteria set out by the auDA. There is no regulatory framework applying to gTLDs.
Brazil			It is not INPI's competence.
Chile	Yes	No	In .CL there is a policy for the accreditation of international and national registration agents.
Cyprus	Yes	Yes	
Czech Republic	Yes	Yes	Contractual relationship between CZ.NIC and registrars (they have to comply with CZ.NIC's T&C, Rules – which are compliant with Czech legislation).
Ecuador	No	No	
Estonia	Yes	Yes	.ee Domain Regulation: https://www.internet.ee/domains/ee-domain-regulation
Georgia	Yes	Yes	As mentioned in the answer to the 9 th question, telecommunications sector in Georgia is supervised by the Georgian National Telecommunications Commission. The decree of the commission covers internet domain name issues and includes regulatory framework both for ccTLDs and gTLDs.
Greece	Yes	Yes	
Guatemala	Yes	Yes	
Hungary	No	No	
Iceland	No	No	
Italy	Yes	Yes	Within the Italian legal order, procedures for delegation and related mandatory administrative procedures, dispute settlement procedures and eventually arbitrations are subjected to Italian law and eventually to those commercial usages and normative practices which have consolidated at a global level within the economic sector of concern. To this regard, a specific guidelines has been included in the Regulation for Assignment and Management of domain names of ccTLD .it.
Japan	No*	No*	*MIC
Lithuania	No	No	
Mexico			
New Zealand	No		
Portugal	Yes		Registrars have to comply mutatis mutandis with the same terms and conditions than registrants. The applicable Rules are available for consultation at: https://www.dns.pt/en/domains-2/domain-rules/preamble
Republic of Korea			
Republic of Moldova	Yes	No	Regulation No. 196 of 19.02.2001 with regard to domain name .md

Responding Party	for ccTLD?	for gTLD?	COMMENTS
Romania			
Russian Federation	No	No	
Singapore	Yes	No	Registrars must adhere to SGNIC's policies and rules for registrars as well as those related to the registration and management of .SG names.
Sweden			There are no specific regulations for registrars.
Switzerland	Yes	No	Specific legislation has been passed in Switzerland on the country domain (ccTLD) ".ch" and the generic domain ".swiss", both of which are administered by the Swiss Confederation. Registration offices (registrars) that register domain names with those extensions are monitored under that framework legislation. Conversely, there is no regulatory framework for other gTLDs.
United States of America	No	No	
Uruguay			
European Union	Yes	The .eu is a ccTLD. This question is not relevant in the context of ccTLDs.	Registrars for the .eu TLD are contractually bound with the .eu Registry that needs to comply with EU legislation. The Governmental Advisory Committee of ICANN (GAC) has developed non-binding Principles and Guidelines for the Delegation and Administration of ccTLDs (https://gac.icann.org/content/Migrated/gac-principles-and-guidelines-for-the-delegation-and-administration-of-country-code-top-level-domains-role-of-government-or-public-authority).

24. Are the current mechanisms in place, including eventual safeguards against possible abuse, working properly?

Responding Party	Mechanisms in place are working properly	COMMENTS
Australia		We are not aware of safeguards being inadequate.
Brazil		It is not INPI's competence.
Chile	Yes	
Cyprus	Yes	
Czech Republic	Yes	
Ecuador	No	
Estonia	Yes	
Georgia	Yes	Both ccTLD administrators have proper mechanisms against users who do not act bona fide. In addition, the Georgian National Telecommunications Commission's abovementioned decree considers general safeguards against possible abusers.
Greece	Yes	
Guatemala	No	
Hungary	Yes	
Iceland	No	
Italy	No	The "current mechanisms in place" do not properly work. These are only safeguard clauses, if any in delegation contracts for both TLDs and SLDs. Existing procedures have to be better coordinated and adjusted to the peculiarity of geographical names, country names and geographical indications. However a particular effort is needed in terms of evolution of

Responding Party	Mechanisms in place are working properly	COMMENTS
		substantial and legal rules on the protection of country names and geographical terms as a preliminary step.
Japan	No*	<p>* MIC: We understand that there is no such mechanism in place, unless the act corresponds to the following Unfair Competition as provided for in the UCPA.</p> <p>METI (UCPA): Wrongful acquisition, usage of a domain name is regulated by the Unfair Competition Prevention Act as below.</p> <p>Article 2(1) The term Unfair Competition as used in this Act shall mean any of the following: (...)</p> <p>(xiii) <i>the act of acquiring or holding a right to use a Domain Name that is identical or similar to another person's Specific Indication of Goods or Business (meaning a name, trade name, Trademark, Markings, or any other indication of goods or business belonging to a business), or the act of using any of such Domain Name, for the purpose of wrongful gain or causing damage to another person;</i></p> <p>Also, civil measures regarding "Wrongful acquisition, usage of a domain name" are regulated by UCPA as below.</p> <p>Article 3(1) A person whose business interests have been infringed on or are likely to be infringed on due to Unfair Competition may make a claim to suspend or prevent that infringement, against the person that infringed or is likely to infringe on the business interests.</p> <p>Article 4 A person who intentionally or negligently infringes on the business interests of another person through Unfair Competition is held liable to compensate damages resulting therefrom; provided, however, that this Article does not apply to damages resulting from the act of using Trade Secrets after the rights prescribed in Article 15 have extinguished pursuant to the same Article.</p> <p>NTA (GIs for Liquors): see question 4.</p>
Lithuania	Yes	
Mexico		
New Zealand	Yes	
Portugal	Yes	
Republic of Korea		
Republic of Moldova		
Romania	Yes	In GI's domain.
Russian Federation	N/A	There are no such mechanisms.
Singapore		The following policy documents and agreements, amongst others, are working well: 1. Domain Name Registration Agreement (DNRA) 2. Acceptable Use Policy for Registrants (AUPT) 3. Registrar Accreditation Agreement (RAA) 4. Code of Practice (COP) They can be accessed at https://www.sgnic.sg/revised-policy-documents.html .
Sweden	Yes	
Switzerland	Yes and No*	* The answer is in the affirmative for ".ch" and ".swiss" only, and in the negative for other gTLDs. It is difficult to express an opinion on other ccTLDs.

Responding Party	Mechanisms in place are working properly	COMMENTS
United States of America	Yes	
Uruguay		
European Union	Yes	

25. Have any gaps been identified in terms of legal basis for the protection of geo-domain names?

Responding Party	Gaps have been identified in terms of legal basis for the protection of geo-domain names	COMMENTS
Australia		
Brazil		It is not INPI's competence.
Chile	No	
Cyprus	No	
Czech Republic	No	
Ecuador	Yes	
Estonia	No	
Georgia	No	
Greece		
Guatemala	Yes	
Hungary	No	
Iceland	No	Not others than already outlined above, e.g. lack of legal framework, surveillance and means for dispute settlement.
Italy	Yes	At this stage, there is no legal basis for protection of geo-domain names. Therefore, it should be opportune: 1. well-define the legal basis of the geo domain names; 2. to rule the conflict between geo-domain name and the other distinctive signs, included geographical indications.
Japan		
Lithuania	Yes	
Mexico		
New Zealand		
Portugal		
Republic of Korea		
Republic of Moldova		
Romania		
Russian Federation		The Coordination Center does not have access to this information.
Singapore	Yes	
Sweden		
Switzerland	Yes	There are gaps in all cases in the rules on top-level generic domains (see question 11). It is difficult, though, to express a general opinion on ccTLDs as a whole. While minimal protection is provided for ".ch", stricter rules on geographical terms have been established for ".swiss".

Responding Party	Gaps have been identified in terms of legal basis for the protection of geo-domain names	COMMENTS
United States of America	No	
Uruguay	No	
European Union	No	

26. Is there any role that the “WIPO Arbitration and Mediation Centre” might play to settle disputes concerning delegation as gTLDs of geographical names coinciding with geographical indications, country names and names of geographical significance, as in the field of trademarks?

Responding Party	Reply	Comments
Australia		
Brazil		It is not INPI's competence.
Chile	No	
Cyprus	Yes	
Czech Republic	This question is not relevant for ccTLDs	
Ecuador	Yes	
Estonia		Possible option.
Georgia		Georgia supports activities of the WIPO's Arbitration and Mediation Centre as the leading arbiter in the field of IP. However, its role with regard to settling of disputes concerning delegation as gTLDs of geographical names coinciding with geographical indications, country names and names of geographical significance has to be a subject of further discussion.
Greece	Yes	
Guatemala	Yes	
Hungary		This question is not relevant for ccTLDs.
Iceland	Yes	We would be willing to explore such option.
Italy	Yes	At this stage current ICANN contracts for TLDs delegations should always provide for an arbitration clause susceptible to devolve possible disputes to the WIPO Arbitration and Mediation Centre (AMC). This has not been the case so far. Furthermore, a systematic legal framework should be established, overtaking the current situation. Considering the leading role of WIPO, we suggest demand that the WIPO AMC could be entrusted with the task to settle all disputes concerning geo-domain name regardless the relevant TLDs. Challenges to delegated or close to delegation domain names should be also available on the legal basis of interference or tension with a registered GI, a non-registered GI, a country name and/or a name of geographical significance, once a legitimate interest is demonstrated, so recognizing active legitimation to initiate the proceeding to interested parties.
Japan	Yes*	*MIC
Lithuania	Yes	
Mexico		
New Zealand		
Portugal		
Republic of Korea		

Responding Party	Reply	Comments
Republic of Moldova		
Romania	Yes	Is a matter to be subjected to a tough analysis
Russian Federation	Yes	
Singapore		
Sweden		We have no specific opinion on this.
Switzerland	Yes	
United States of America	Yes	If the geographic name is protected as a trademark, WIPO's Arbitration and Medication Centre is available to settle disputes.
Uruguay	Yes	
European Union	This question is not relevant for ccTLDs	

27. What are the timeframes and costs of proceedings against a domain name holder in your jurisdiction in case of abusive registration?

Responding Party	Timeframes and costs of proceedings against a domain name holder
Australia	The timeframes and costs of proceedings against an abusive registration vary depending on the nature of the proceedings. If the proceedings are done via the auDA dispute resolution they could be resolved within 3 months but if the dispute involves court proceedings it may take much longer.
Brazil	It is not INPI's competence.
Chile	The cost to a claimant consists of (a) payment of a fee for the filing of an application (9,950 CLP including VAT), (b) payment of arbitration fees equivalent to \$1,000. The Dispute Resolution Center does not charge a special administrative fee for the management of the arbitration proceedings. Payment (a) is low and constitutes a kind of guarantee of seriousness. The duration of arbitration proceedings is 62 days on average.
Cyprus	The duration of dispute resolution procedure is up to 20 days and the cost is 500 Euros.
Czech Republic	Detailed information can be found on http://eu.adr.eu/index.php?lang=en and http://www.wipo.int/amc/en/domains/
Ecuador	Article 587.- Penalties.- When the competent national intellectual rights authority considers that a domain name under this Section has been registered, marketed or used in bad faith to take advantage of the trademark of a third party's intellectual property right, it may order the owner of the registration of the domain name and/or the provider that hosts or registered the domain name and/or any other domain name authority to cancel or transfer the domain name in question to the intellectual property right owner.
Estonia	Domain Regulation approved by the Estonian Internet Foundation Council on 7 March 2018 and taking effect on 25 May 2018. https://meedia.internet.ee/files/Domeenireeglid_25.05.2018_EN.pdf
Georgia	As mentioned in the answer for the 22th question, cases regarding .ge ccTLD disputes are solved by the WIPO Arbitration and Mediation center according to the UDRP. So time frame and fees are defined by the WIPO. At the same time, both ccTLDs parties can address Georgian courts. The procedure is laid down in the Georgian legislation.
Greece	According to the Regulation on Management and Assignment of .gr Domain Names - Temporary inactivation the in case .gr or .el Domain Name for a period of thirty (30) days and in case of non-conformity definitive withdrawal of the in case .gr or .el. domain name, - Removal of the registrar, - Fine under the in force provisions.

Responding Party	Timeframes and costs of proceedings against a domain name holder
Guatemala	At the moment, we do not have this information, since these processes are not conducted at the Registry.
Hungary	The Alternative Dispute Resolution Forum set up in accordance with the .hu ccTLD Registration Rules handles differently the abuse in case the domain is already registered or is about to be registered. If the domain is already registered, the procedure by the Registration Decision-maker is followed, in accordance with Rule 10 of the Domain Registration Rules and Procedures. The timeframe for such a procedure is roughly 3 months and the costs are between EUR 300-600 depending on the number of domains involved and the number of arbiters requested. If the dispute arises before the registration of the domain, the procedure by the Consulting Board is followed, in accordance with Rule 9 of the Domain Registration Rules and Procedures. The timeframe for such procedure is around one month and costs around EUR 300 per domain.
Iceland	No information available.
Italy	If we limit the question to mandatory administrative procedures, contractual procedures or arbitral procedures, the proceeding may last from a few weeks to 6/9 months depending on the conducts of the parties, the complexity of the issue and the need for collecting proofs and ascertaining factual conditions or legal titles. If the issue is brought before courts duration may vary and procedures last until a number of years with corresponding costs for firms.
Japan	<p>MIC For JP-DRP, basically, cases are resolved in 2 to 3 months with 180,000yen. For Court decision, the time and cost depend on the cases.</p> <p>METI (The UCPA) We can't understand what "the timeframes and costs of proceedings against a domain name holder in your jurisdiction" means, so we can't answer this question.</p>
Lithuania	Regular court proceedings in case of abusive domain name registration take 5 - 10 months (since action submission date till decision date in primary instance court). Action registration fee is 100 EUR plus lawyer's fee (the amount can vary depending on difficulty of the case).
Mexico	
New Zealand	The early stages of the dispute resolution service are free. If a dispute is able to be resolved by mediation, then there will be no fees required to be paid for using the process. If a part to a dispute wishes the dispute to be determined by an Expert, for example, if mediation has not led to a resolution, or if the current registrant does not respond to your complaint, then a fee will be required. Information about the process can be found at https://www.dnc.org.nz/sites/default/files/2016-02/Final_Dispute.pdf
Portugal	
Republic of Korea	
Republic of Moldova	
Romania	
Russian Federation	Legal proceedings are carried out in the same manner as proceedings involving violations of trademark rights.
Singapore	
Sweden	Regarding cost and timeframes please refer to https://www.iis.se/english/dispute_resolution/for-se/arbitrators-and-costs/ and https://www.iis.se/english/dispute_resolution/for-se/accelerated-proceeding/ .
Switzerland	<p>If legal proceedings have been instituted, a decision to grant preliminary injunctions or ex-parte interim injunctions may be made very quickly (on the same day or within a few days). Judgment on the merits of the case may take several months, or even several years if an appeal is lodged.</p> <p>The legal costs depend on the sum involved in the case and are set by the cantons. They therefore vary from one case and from one canton to another. Generally speaking, when the sum in dispute is less than 100,000 Swiss francs, the legal costs may range from 3,000 to 7,000 Swiss francs.</p>

Responding Party	Timeframes and costs of proceedings against a domain name holder
	In dispute resolution proceedings, in (particular for ccTLD “.ch”, a decision can usually be reached within four months, at lower procedural costs (around 2,000 Swiss francs), but legal proceedings may be instituted to contest that decision
United States of America	For the .us, the usTLD DRP is available. See following link regarding timeframes and costs: https://www.about.us/policies/dispute-providers The ACPA is federal court litigation and the timeframe and cost of the litigation depends on many factors.
Uruguay	
European Union	Detailed information can be found on http://eu.adr.eu/index.php?lang=en and http://www.wipo.int/amc/en/domains/

[End of Annex and of document]