



The Internet Corporation for Assigned Names and Numbers

11 August 2014

Hon. Anna Eshoo  
Member of Congress  
United States House of Representatives  
Washington, DC 20515

Dear Congresswoman Eshoo:

Thank you for your letter of 25 June 2014, regarding the applications for the .VIN and .WINE new gTLDs. As Silicon Valley's representative in Congress, you have been a leader in keeping the Internet free from government or corporate restrictions. After our meeting last April, I walked away impressed with your commitment to innovation and to understanding all sides of the complex issues that impact the technology sector.

I truly appreciate your interest in ICANN's New gTLD Program and acknowledge your view that these applications should not proceed in the absence of additional safeguard protections for Geographical Indications. That ICANN's Governmental Advisory Committee (GAC) did not reach consensus on the issue of additional safeguards reflects the complexity and conflicting opinions around the globe on this issue.

I personally thank you for your leadership and attention to this critical program and to all of ICANN's work. Please allow me to provide some additional background on the specific issue that you raise.

**I. Governmental Advisory Committee Advice on .VIN and .WINE**

As you know, the GAC is a critical part of the ICANN process. It is made up of representatives of more than 140 governments from across the globe. The GAC's key role is to provide advice to ICANN on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements.

The GAC issued its advice to the Board on the .VIN and .WINE applications on four occasions, from its Beijing Communiqué of 11 April 2013, to, most recently, its Singapore Communiqué of 27 March 2013. It also wrote to the ICANN Board on 9 September 2013 with the advice that the GAC had finalized its consideration of the strings .VIN and .WINE, that there was no GAC consensus advice on additional safeguards for .VIN and .WINE, and that the applications for .VIN and .WINE should proceed through the normal evaluation process.

In its Buenos Aires Communiqué of 20 November 2013, the GAC further suggested that the Board may wish to seek a clear understanding of the legally complex and politically sensitive background on its advice regarding .VIN and .WINE in order to consider the appropriate next steps of delegating the two strings. In response, the Board's New gTLD Program Committee (NGPC) directed staff to commission independent legal analysis as to whether international law or national law in France, Italy, Spain, Australia, or elsewhere, impose restrictions

Los Angeles  
Offices:

12025 Waterfront Drive, Suite 300  
Beijing • Brussels •

Los Angeles, CA 90094  
Istanbul •

USA  
Montevideo •

T +1 310 301 5800  
Singapore •

F +1 310 823-8649  
Washington

<http://icann.org>



on the delegation of the .VIN and .WINE gTLDs and whether any rights or protections granted to wine-related geographic indications impose a duty on ICANN to provide for protection at the second level of the .VIN or .WINE stings. The Independent Legal Analysis conducted by Professor Jerome Passa of Paris, an independent expert in international law, concluded that "[a]s regards the applications for the assignment of the new gTLDs '.vin' and '.wine'. . . there is no rule of the law of geographical indications, nor any general principle which obliges ICANN to reject the applications or accept the applications under certain specific conditions."

On 4 April 2013, the NGPC published resolution 2014.04.04.NG03 directing the President and CEO, or his designee, not to commence the contracting process for the applications for .WINE and .VIN for 60 days from the date of publication of these resolutions in order to provide additional time for the relevant impacted parties to negotiate, which they are encouraged to do. (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-04-04-en>) The 60-day period expired on 3 June 2014.

## II. Board Reconsideration Requests

On 8-9 and 18 April 2014, the European Commission, the governments of France, Italy, Luxembourg, Portugal, Spain, Switzerland and the United Kingdom, and five Geographical Indication Organizations filed 13 Reconsideration Requests asking the NGPC to reconsider one or more of the five NGPC Resolutions addressing GAC advice on the applications of .VIN and .WINE. In its 6 June 2014 decision, the NGPC agreed with the Board Governance Committee's conclusion that there was no evidence that the Board's actions in adopting the Resolutions support reconsideration. (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-06-06-en>).

## III. Current Status

As noted above, the 60-day waiting period before contracting could commence has expired and the Board reconsideration requests have all been denied. Consistent with the NGPC resolutions cited above, ICANN has continued with the processing of the .VIN and .WINE applications. Of course, should the GAC be in a position to provide any additional advice on this issue, we would welcome it. Similarly, should governments succeed in resolving these issues in other global trade fora such as WIPO or the WTO, that, too, will be taken into account.

I hope this specific information is helpful. If you need additional information or have additional concerns, please do not hesitate to contact me. I would be delighted to speak with you, or to meet again when next I am in Washington.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fadi", written over a light blue horizontal line.

Fadi Chehadé  
President and CEO