

ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE



WORLD INTELLECTUAL
PROPERTY ORGANIZATION

Centre d'arbitrage et de médiation de l'OMPI

WIPO Arbitration and Mediation Center

NOV 16 2005

November 15, 2005

Dear Dr. Cerf,
Dear Mr. Twomey,

I am contacting you to inquire about the status of the recommendations made by WIPO in the context of the Second WIPO Internet Domain Name Process (WIPO-2 Recommendations) to extend protection under the Uniform Domain Name Dispute Resolution Policy (UDRP) to country names and the names and acronyms of International Intergovernmental Organizations (IGOs).

At the last WIPO General Assembly which took place in Geneva from September 26 to October 5, 2005, a number of delegations expressed concern with regard to the apparent lack of progress in the implementation of the WIPO-2 Recommendations. These delegations also requested the WIPO Secretariat to transmit this concern to ICANN.

I would therefore be grateful if you could enable us to inform our member States as to how ICANN intends to proceed in this matter. As you will recall,

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Chairman
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Dr. Vinton G. Cerf, Mr. Paul Twomey, Marina del Rey – November 15, 2005

the WIPO-2 Recommendations were transmitted to ICANN in February 2003. They were unanimously supported by ICANN's Governmental Advisory Committee on a number of occasions. Unfortunately, the Working Group which you established to consider implementation issues focussed on issues other than implementation and, unlike the Working Group that developed the UDRP on the basis of WIPO's Recommendations made in the context of the First WIPO Internet Domain Name Process, failed to produce any agreed recommendations.

At your request, WIPO subsequently submitted a briefing note providing further information on the issue as well as a draft confirming the (few) additions that would have to be made to the UDRP in order to implement the WIPO-2 Recommendations. The Comment Forum that you established in December 2004 failed to trigger any substantive comments from the public.

You will appreciate the concerns of countries with regard to the abuse of their country's names especially in new generic Top Level Domains. Please also note the very real concerns of IGOs concerning the protection of their names and acronyms which are a vital prerequisite for them to perform their functions. If anything, the abuse of IGO names and acronyms has increased over the last years and has caused a great deal of confusion among, and outright fraud directed at, consumers. Regrettably, such abuse also targets IGOs involved in humanitarian, development and health-related activities.

I hope that you will consider the issue further at your next meeting in Vancouver. My colleague Mr. Christian Wichard will be attending the meeting and is available to meet with you should you so require.

I look forward to hearing from you.

Yours sincerely,



Francis Gurry
Deputy Director General