**WIPO**

**QUESTIONNAIRE ON GEOGRAPHICAL INDICATIONS**

THE USE/MISUSE OF GEOGRAPHICAL INDICATIONS, COUNTRY NAMES AND GEOGRAPHICAL TERMS ON THE INTERNET AND IN THE DNS, INCLUDING TLDs, gTLDS AND ccTLDS (EXAMPLES, CASES, MECHANISMS TO ADDRESS MISUSE, BASIS FOR PROTECTION WHERE APPROPRIATE)

## 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?

☐Yes ☐No

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

☐Yes ☐No If YES, are these databases freely accessible to the public? ☐Yes ☐No

1. If your national legislation provide for the protection of geographical indications, country names and geographical terms against infringements on internet, what types of infringements are punishable?

|  |  |  |
| --- | --- | --- |
| For geographical indications:  Counterfeiting  Misleading, misuse and/or unfair use on internet  Cybersquatting  Typosquatting  Misappropriation of notoriety  Dilution  Denigration  Metatags, keywords and other methods allowing referencing  Other, please explain *Click here to enter text.* | For country names:  Misleading, misuse and/or unfair use on internet  Cybersquatting  Typosquatting  Misappropriation of notoriety  Dilution  Denigration  Metatags, keywords and other methods allowing referencing  Other, please explain *Click here to enter text.* | For other geographical terms:  Misleading, misuse and/or unfair use on internet  Cybersquatting  Typosquatting  Misappropriation of notoriety  Dilution  Denigration  Metatags, keywords and other methods allowing referencing  Other, please explain *Click here to enter text.* |

1. 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?

☐ Binding legal instruments

☐ Soft law or non-binding instruments (for ex., memorandum of understanding, cooperation agreements etc., on the initiative of private parties, platforms or networks themselves)

☐ Technical tools to prevent illegal use of names on websites (for ex., upstream blocking)

☐ Other *Click here to enter text*.

1. Does the protection encompass:

* modified forms of geographical terms? ☐Yes ☐No
* the use of any denomination or trade description that may jeopardize country names and names of geographical significance ☐Yes ☐No

1. 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?
2. Do such instruments apply to domain name hosts?

☐Yes ☐No

## B. The use/misuse of geographical indications, country names and geographical terms in the DNS

1. What is/would be the most appropriate manner in which to protect geographical terms from being improperly registered in the DNS?
2. What legal and/or technical means are available in your jurisdiction to identify an owner of a domain name?

### (i) gTLDs

1. Would you support the use of a mechanism similar to ”Trademark Clearinghouse” (TMCH)[[1]](#footnote-1) to prevent unauthorized delegation as gTLD of geographical indications, country names and names of geographical significance?

☐Yes ☐No If NO, please explain: *Click here to enter text*.

1. 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?

☐Yes ☐No Comments: *Click here to enter text*.

1. 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?
2. 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?
3. 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)?

☐Yes ☐No Comments: *Click here to enter text*.

1. 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 generic TLD? | as second-level domains in gTLD? |
| ☐Yes ☐No | ☐Yes ☐No |

1. 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?

☐Yes ☐No If YES, what was the final decision and what were the key considerations relating to this matter?

### (ii) ccTLDs

1. Are there any conditions for registering a SLD[[2]](#footnote-2) in your ccTLD consisting of

* a geographical indication? ☐Yes ☐No
* a country name? ☐Yes ☐No
* a geographical term? ☐Yes ☐No

1. The following requires domiciliation in your jurisdiction:

* the registration of a domain name in your ccTLD ☐Yes ☐No If Yes, does the procedure for registration require demonstration of a link between the applicant of SLD and the country? ☐Yes ☐No
* the renewal of a domain name in your ccTLD ☐Yes ☐No
* the use of a domain name in your ccTLD ☐Yes ☐No

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

☐Yes ☐No If YES, under what legal basis?

1. 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?

☐Yes ☐No

1. 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?

☐Yes ☐No If YES, what was the final decision and what were the key considerations relating to this matter? *Click here to enter text*.

1. 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?

☐Yes ☐No If YES, does this procedure refer to the following as a ground on which a claim may be based:

☐ intellectual property right

☐ geographical indication

☐ appellations of origin

☐ indication of source

☐ country name

☐ other geographical name

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

* for ccTLD? ☐Yes ☐No
* for gTLD? ☐Yes ☐No

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

☐Yes ☐No

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

☐Yes ☐No

1. 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?

☐Yes ☐No

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

1. 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. [↑](#footnote-ref-1)
2. A second-level domain name (SLD) is a domain that is directly below a [top-level domain](https://en.wikipedia.org/wiki/Top-level_domain) (generic (gTLD) or country code (ccTLD)). For example, in **geneva.ch**, **geneva** is the second-level domain of the ccTLD **.ch**. [↑](#footnote-ref-2)