

# INTERNATIONAL LAW ON GEOGRAPHIC NAMES: CONTEXT FOR ICANN POLICY-MAKING

**GNSO SUBSEQUENT PROCEDURES PDP WEBINAR  
GEOGRAPHIC NAMES**

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# Do governments have sovereign rights in geographic names?

**ANSWER: NO.**

- There is no connection between sovereignty and country (or other geographic) names.
- International law requires countries to prevent some sovereign symbols being registered as trademarks; country names are not included.
- Even if country names were included, this would only prevent their use as trademarks, and would not stop their use as domain names or TLD strings.

# Do others (i.e., other than government) have rights in geographic names?

**ANSWER: YES.**

- International trademark law gives others rights.
- Unfair competition law prevents “unfair” or “dishonest” uses. Not all use by someone other than government is “unfair” or “dishonest” (see UDRP decisions).
- International law protecting geographical indications (GIs) gives others rights, but the actual form of protection is relevant to the DNS in only 28 countries.

# What does this mean for DNS policy?

- International law does not give governments the right to reserve or restrict geographic names in the DNS simply because that use is by someone other than government.
  - International law does not give GI holders the right to reserve or restrict geographic names in the DNS simply because that use is by someone other than the GI holder.
- **NO EXCLUSIVE RESERVATION**
    - **NO PRIORITY**
  - **NO REFUSAL BECAUSE USER IS NOT GOVERNMENT OR GI HOLDER**