

A stylized world map with black outlines of continents and countries, centered on the Atlantic Ocean. The map is enclosed within a thick black oval border.

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**