

# ICANN Webinar on Geographic Names

April 25, 2017

## The view of Marques

Flip Petillion

MARQUES

The logo for MARQUES features the word "MARQUES" in a dark red, serif font. The letter "Q" is stylized, with a grey fingerprint-like pattern overlaid on it.

# Why does this matter to MARQUES?

- MARQUES is the European Association representing brand owners
- Some examples of European marks which share geographic and cultural meanings:
  - AMSTERDAM (beverages), ALPS (electronics), AVON (cosmetics), DANISH (meat), IBERIA (airline), LONDON (tobacco), LYON (tobacco), MILAN (pharmaceuticals), MUNSTER (bedding), PARIS (bicycles), RHINE (construction), ST. IVES (soap), TIROL (furniture), WACHOVIA [“die Wachau” in German](finance), WATERFORD (furniture) and ZURICH (insurance), DODGE (motor vehicles), HERMÈS (luxury goods), LANCASTER (fashion), NOKIA (communications), OLYMPUS (cameras) and VIKING (cruises)

# How to treat geographic names at the top level ?

- Some new gTLD applicants met all the requirements in the Applicant Guidebook but still received government objections
- New gTLD applicants, including many trademark owners, need a predictable, fair, and consistent application process which conforms with applicable principles of law
- All nations must act in this process in accordance with the international agreements to which they are signatories and to respect globally recognised legal principles

# How to treat geographic names at the top level ?

- There are thousands of trademarks including geographic terms
- Trademark owners have long-established national and international rights to use their trademarks
- Nation states do not possess a priori or even exclusive rights to geographic terms
- Trademarks and geographic terms may co-exist, but not to the detriment of trademark owners' rights
- Trademark owners' rights cannot be restricted in violation of existing principles of law