



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

MAY 21 2014

Dr. Stephen D. Crocker
Chairman of the Board
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Dear Dr. Crocker:

I am writing to reaffirm the United States' views on matters currently pending before the Internet Corporation for Assigned Names and Numbers (ICANN) Board related to the new generic Top Level Domain (gTLD) applications for .wine and .vin. The positions I expressed in my January 30, 2014 letter to you remain unchanged, most notably that the existing safeguards developed by the Governmental Advisory Committee (GAC) and adopted by the ICANN Board provide sufficient protection to mitigate against possible abuses in domain name registrations at the second level in the .wine and .vin new gTLDs.

I am concerned that the GAC Communiqué from Singapore, issued March 26, 2014, could be misunderstood to suggest that the GAC as a whole endorses the negotiations -- and any potential outcome from those negotiations -- that appear to be taking place among European wine interests, the European Commission, and the gTLD applicants for .wine and .vin. This is not the case. To be clear, the United States does not endorse these negotiations between select wine industry interests and the applicants for the .wine and .vin strings for purposes of arriving at additional safeguards that could result in specialized and overbroad protection of geographical indications (GIs). There is no GI-related obligation in any international legal instrument that necessitates any additional action by ICANN or the gTLD applicants for these strings. The existing safeguards for sensitive strings intended to prevent fraud and deception are sufficient to address any potential GI-related problems that may arise.

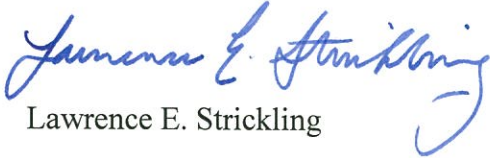
The question of whether GIs should receive protection at the international level is an issue to be resolved by governments, not in the ICANN contract-based system. In our view, any ICANN-based enhancement of GI protection would constitute a new international obligation that conflicts with current obligations, and which could exceed or supersede existing national laws. As such, any outcome would undoubtedly prejudice and discriminate against existing interests, for example, those who use particular names as generic terms or those who use these names as trademarks, both of which are fully allowed and respected in international treaties on GIs and trademarks. Moreover, the proposals for unique protections for GIs risk creating a dangerous precedent that will disadvantage potential "good faith" domain name registrants from other regions of the world that do not rely on GIs.

The United States, having been an active participant in all of the GAC's discussions on this matter, affirms that all of the GAC's communications to the ICANN Board, including the September 9, 2013 letter from the GAC Chair, have appropriately reflected the results of each of

the GAC's deliberations during the Beijing, Durban and Buenos Aires meetings and demonstrate that there is no GAC consensus advice on additional safeguards for .wine and .vin. Accordingly, the United States concurs with the March 22, 2014 ICANN Board Resolution concluding that there is no such GAC consensus that should prevent the applications to continue to proceed through the normal evaluation process. This determination is fully consistent with other cases where the GAC could not reach consensus.

I appreciate the ICANN Board's efforts to fully consider all of the perspectives of GAC members on this complicated matter.

Sincerely,



Lawrence E. Strickling