



Ministero dello Sviluppo Economico
Istituto Superiore delle Comunicazioni e delle Tecnologie dell'Informazione

Italian Comments on Proposed Amendments to Base New gTLD Registry Agreement

Italy welcomes the possibility to provide comments in response to the Proposed Amendments to Base New gTLD Registry Agreement.

We would like to use the experience gained from the first round of new gTLDs and ask for improving some safeguards in the ICANN contractual framework, included the Registry Agreement.

- 1) **Article 2, para. 2.8 and Specification 7:** Italy supports the modification of the UDRP (to protect Geographical Indications (GIs) used in the second-level domains) within the working group "All Rights Protection Mechanisms (RPMs) in all gTLDs".
Therefore, it can propose the wording of the Ireland Regulation (<https://www.iedr.ie/dispute-resolution/>) which provides for an explicit mention the GIs. The UDRP Regulation should align.
- 2) **Article 2, para. 2.9:** it would be needed to insert non-discriminatory criteria for the names to be included in the TLD Registry. In this respect Intellectual Property Rights (IPRs) should be included.
- 3) **Article 7, para. 7.16:** it would be necessary to insert intellectual property rights (IPRs) references in order to better clarify the scope of the procedures between ICANN and Registry Operators to eliminate any conflict.
- 4) **Specification 5 para.2:** our suggestion is to better define the process to manage of two-letter codes at the second-level, and leave the decision to the relevant governments. For that reason, we suggest this change in the paragraph.

The Registry Operator may also propose the release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes, subject to approval by ~~ICANN~~ the related government.

- 5) **Specification 5, par. 4 - "Country and Territory Names":** it suggests to include in the Specification 5, a recording reserves for all intellectual properties rights particularly for GIs.
- 6) **Specification 11-para.3.a:** we suggest to have an explicit mention to Geographical Indications (or equivalent) in the part of the text which refers to the protection/infringement of trademarks.

*[...] trade mark, **geographical indication** or copyright infringement [...]*

- 7) **Specification 11, par. 3.d:** it is needed to limit the delegation of domain names with regard to categories of goods, such as agricultural or food ones.
- 8) **Specification 13:** without prejudice to current draft, it would be necessary extending those provisions to any intellectual property right, particularly geographical indications.
- 9) **In the most appropriate section:** we would like to include an obligation for the Registry Operator to ensure that both they and their Registrars are at all times in compliance with the UN Convention on the Rights of the Child. Included in this should be an obligation requiring Registrars in turn to ensure that Registrants also observe the UN Convention of the Rights of the Child.

Yours sincerely,

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