

Protecting wine names online: Securing first rights over .vin and .wine domain extensions

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Abstract. The Internet (along with the mobile apps and social media it has fostered) has greatly benefited the wine sector, changing the way winemakers sell their products and how wine drinkers decipher which bottles to enjoy. In 2021, the global online wine market estimated value was USD 417.9 billion, and it is expected to grow 43% by 2028.¹ But, the governance of the Internet has been a major issue over the years for the wine industry. This was particularly apparent back in 2014 when the Internet Corporation for Assigned Names and Numbers (ICANN) was set to release the new domain extensions .wine and .vin.

1 New domain name extensions released

ICANN is a nonprofit organization that is responsible for technical coordination of the Internet's global Domain Name System (DNS). In 2005, ICANN was concerned with the saturation of existing domain names (e.g., .com, .org, and .edu) and began a process to introduce new generic top level domains (gTLDs). Nearly a decade later ICANN launched a call for applications and received more than 2,000 for new extensions, including .wine and .vin. ICANN stated "the program's goals include enhancing competition and consumer choice and enabling the benefits of innovation via the introduction of new gTLDs..."²

The plan at the time was to allow individual wineries to protect *only* trademarked brands by registering them with ICANN's Trademark Clearinghouse and paying an annual fee.³

2 Harm to wine regions

However, this process was not available to names associated with government approved appellations – like "napavalley.wine" or "champagne.vin" – which meant they would be open to the highest bidder with no acknowledgment of American Viticultural Area (AVA), Appellation d'Origine Contrôlée (AOC) or any other appellation-related designation. Anyone could purchase these terms for use of the .wine and .vin extensions, undermining the specificity provided by AVAs, AOCs and similar designations, and weakening

the legal protection many regions have pursued worldwide. All of this could have had a negative economic impact on wine regions across the globe and their many small- and medium-sized businesses, and increase the potential for consumer confusion, counterfeiting and cyber-squatting.

3 Actions taken

The 19 organizations which comprised the Wine Origins Alliance (WOA, then called the Declaration to Protect Wine Place & Origin) at the time publicly opposed the delegation of .wine and .vin unless proper safeguards were put in place. They raised concerns directly with ICANN as well as their various national governments. In the end, several wine organizations and more than 2,000 U.S. wineries⁴ along with European winemakers^{5,6} and several U.S. members of Congress joined WOA in pushing back against ICANN's plan.

WOA used an ICANN process called Cooperative Engagement Process (CEP) to seek a reasonable solution with ICANN and other interested parties. The CEP was first launched in June 2014 by the Confédération Nationale des Producteurs de Vins et Eaux de Vie de Vin à Appellations d'Origine Contrôlées (CNAOC) and European Federation of Origin Wines (EFOW). As part of the CEP, the WOA spearheaded the compilation of a reserved list of wine

¹ Vantage Market Research, "Wine Market Size Worth USD 599.5 Billion by 2028 | Wine Industry Expected CAGR 6.20%" (2022).

² ICANN New Generic Top Level Domain Program (2005).

³ Trademark Clearinghouse.

⁴ Rauber, Chris. San Francisco Business Times, "Noted wine regions, including Napa and Sonoma, protest new .wine Internet domain names" (July 2, 2014).

⁵ Linshi, Jack. Time, "This Is Why France Is Fighting a .Wine Domain Tooth and Nail" (June 23, 2014).

⁶ Robinson, Frances. The New York Times, "Wine Makers Fight New Website Suffixes - Critics Say Domain Names Like .Vin and .Wine Could Confuse Shoppers" (June 22, 2014).

domain names that could be included in the Registry Agreement with ICANN. The list was built from the approved government lists of AVAs, European Union Geographical Indications (GIs), and systems created in other countries.

To build momentum around the CEP, WOA members from Napa Valley, Santa Barbara, Long Island and Champagne attended ICANN51 in Los Angeles. The conference afforded WOA the opportunity to speak directly with ICANN representatives and educate them about the importance that location plays in wine. Over a two-day period, WOA joined with representatives from CNAOC and EFOW to attend key sessions on the protection of geographic names and meet with several ICANN officials, including members of the Board, the Governmental Advisory Committee (GAC), the Generic Names Supporting Organization (GNSO) Council, the legal staff involved in the CEP, and two of the three applicants to .vin/.wine – Donuts and

Afilias. WOA also held a wine reception during the conference for nearly 200 attendees.

Prior to Los Angeles, WOA participated in the ICANN Public Forum where members had a chance to speak in front of the full Board of Directors as well as several hundred members of the Internet community.

4 The solution

WOA members successfully reached legal agreements with ICANN and the applicants, Donuts and Afilias. The agreements allowed for designated AVAs, AOCs and other government-approved wine regions to have a period of time to secure the domain extensions for their use with their wine region name before releasing them to the marketplace. The agreement ensured the .wine and .vin were launched with proper safeguards to ensure wine names were protected and guarded against consumer confusion.