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Names and Numbers

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**Subject: 47th session of the Governmental Advisory Committee (GAC) - Durban 14 to 18 July 2013 – Procedure for the issuing of the new gTLD “.spa”.**

Dear Mr Chehade,  
Dear Mr Crocker,

This letter relates to the guarantees, which should be adopted in the framework of the attribution procedure of the new gTLD domain name “.spa”, within sight of the next ICANN meeting organized in July 2013 in Durban.

Three demands were introduced in parallel last year regarding the new “.spa” gTLD. Yet, the “.spa” string can have different significations according to the context, beyond its generic meaning. The town of Spa, located in Belgium and famous for its thermal spring water, became synonymous with any infrastructure owning a spring with healing properties. However, the online user expects a TLD such as “.spa” to be managed by the official representation of the local Authority concerned.

The town of Spa also corresponds to the location of the Spa natural mineral water producer, Spa Monopole, whose production is very common in Eastern Europe but is also exported to other parts of the world. The introduction of the *dot spa* might increase the sale of counterfeit products online. As a result, the attribution of the *dot spa* is also a consumer protection issue.

Besides, this risk of conflict of interest is expressly admitted in the application introduced by “Asia Spa and Wellness Promotion Council Limited” (ASWPC). In its application, the organization commits itself to contact the town of Spa in order to examine which reservations could be made to the use of the domain name, and identifies a series of measures that could be adopted to this end (question 22).

The Applicant Guidebook gTLD stipulates however that any application for a town name, where the applicant declares that it intends to use the domain name for purposes associated with the city name must be accompanied by documentation of support from the public authorities. Besides, the Belgian law of 26 June 2003 concerning abusive registration of domain names gives the town of Spa the right to appeal against any owner of a “.spa” domain name domiciled in Belgium, which could be detrimental to its interests. As a result, the domain name “.spa” might not be usable on the Belgian territory if no agreement can be found between this Authority and the register concerned.

This is the reason why the Governmental Advisory Committee (GAC) of the ICANN, in its opinion of 11 April 2013, added the ".spa" to the list of geographical strings where further ICANN consideration have to be warranted. In response to this opinion, one applicant has withdrawn its application.

To this day, there remain one community demand introduced by the ASWPC whose object is limited to the promotion of enterprises active in the balneotherapy treatments, and one demand from "Donuts Inc". In a response to the opinion of the GAC, the ASWPC reaffirmed its willingness to contact the town of Spa but this engagement has not been followed up, nor the engagements mentioned in its application.

As there was no reaction from the applicants, the town of Spa will soon contact them in order to conclude an agreement, which prescribes a series of guaranties for the register, for instance regarding the use of the domain name with respect to certain principles or the participation in the Committee that will decide on the registration policy. Most of these elements are set out in the application of the ASWPC.

In conclusion, Belgium recommends the management board of the ICAAN that the new gTLD .spa cannot be delegated in the absence of an agreement meeting the interests of the town of Spa and corresponding to the image of the enterprise Spa Monopole. We invite the ICANN to integrate this agreement into the contract binding the register and the ICANN. Finally, we would like the compliance with the commitments meant in the application form to be monitored within the scope of the domain name attribution. If no agreement can be reached between the candidate and the town of Spa, Belgium recommends that no action is taken concerning the application in question.

Belgium supports the attribution of a domain name ".spa", but this procedure must happen in line with the interests of the stakeholders' interests, with the contractual principles and with the applicable law. It is therefore in the candidates' and the public authorities' own interest to conclude an agreement that addresses the needs of everyone.

Yours faithfully



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