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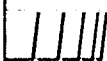
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**INTERNET DOMAIN NAME REGISTRATION
AND DISPUTE RESOLUTION**

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Internet Domain Name Registration and Dispute Resolution

Erik Wilbers
World Intellectual Property Organization (WIPO)

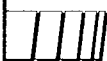


ESCWA Expert Group Meeting on Promotion of Digital Arabic Content

Internet Domain Name Registration and Dispute Resolution

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Beirut, June 3, 2003



The WIPO Arbitration and Mediation Center

- Established in 1995 to provide services for the resolution of commercial disputes between private parties involving intellectual property, through procedures other than court litigation

Services of the WIPO Center

- Workshops and conferences
 - Rules and contract clauses designed for IP disputes
 - WIPO (Expedited) Arbitration
 - WIPO Mediation
 - WIPO list of arbitrators and mediators
 - Specialized in all areas of IP
 - From many countries in all regions
 - Administration of cases
 - Design of procedures for special disputes
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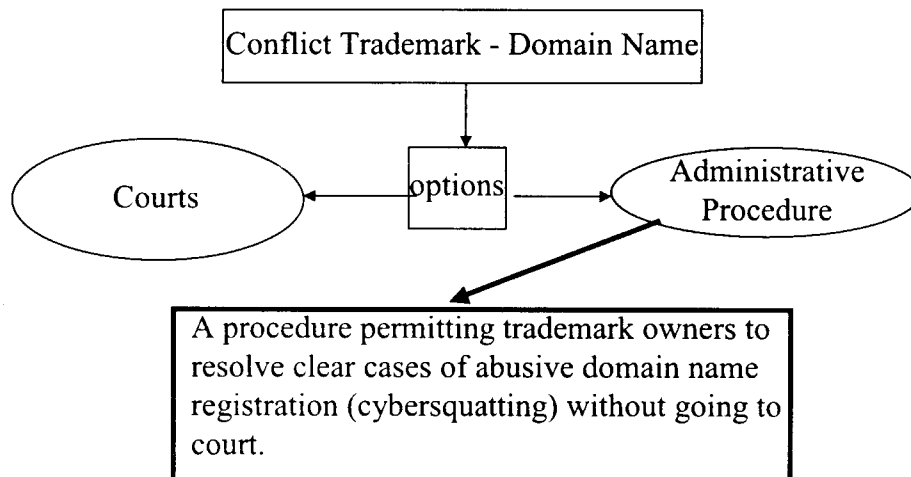
Outline

- *Problem:* conflict between trademarks and domain names
 - *Solution:* administrative dispute resolution procedure
 - *Implementation:* WIPO domain name dispute resolution service
 - *Experience:* over 20,000 WIPO cases
 - *Arab involvement*
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Trademark-Domain Name Conflict

- *Trademarks*
 - Territorial registration and application
 - Different classes
 - Examination and opposition
 - Goods and services in commerce
- *Domain names*
 - First come first served
 - One unique registration
 - Application across jurisdictions
 - In principle, no examination
 - Broad use

First WIPO Internet Domain Name Process: TM-DN Recommendations



Uniform Domain Name Dispute Resolution Policy (UDRP)

- *Adopted* by ICANN effective December 1999
- *Applicable* to gTLDs: .COM, .NET, .ORG
 - Application also to new gTLDs
 - May be used by ccTLDs through voluntary adoption
- *Mandatory* part of registration terms and conditions
 - Retro-active to include existing registrations
- *Administrative*
 - Complainant can go to court or use UDRP
 - Both parties can go to court after UDRP
- *Remedies*
 - Transfer or cancellation only
 - No monetary damages

Procedure

- Complainant files *complaint* with dispute resolution service provider, e.g. WIPO Center
- Provider *notifies* domain name registrant of opportunity to respond
- Provider appoints independent *panel* from list
- Panel *decides* based on common principles
- Registrar *implements* panel decision

UDRP Panel Decision Criteria

- *Conditions for obtaining remedies:*
 - 1. Trademark must be identical or confusingly similar to domain name; *and*
 - 2. Registrant has no rights or legitimate interests in domain name; *and*
 - 3. Domain name is registered and used in bad faith.
 - *Examples of rights or legitimate interests:*
 - Registrant commonly known by the domain name
 - Use for *bona fide* offering of goods or services
 - *Examples of bad faith:*
 - registration for purpose of profit sale to trademark owner
 - pattern of preventing trademark owners from registration
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WIPO Center UDRP Objectives

- Efficient and effective procedure
 - Reasoned and consistent results
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Examples of WIPO Contributions to Effective and Efficient Procedure (I)

- Expert input into Policy and Rules
 - Model Complaint and model Response (including Complaint transmittal coversheet)
 - Online case filing and communication (E-mail and Web forms)
 - Extensive guidance on Web site (e.g., Q&A, filing guidelines, bibliography, court cases)
 - Non-profit fees
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Examples of WIPO Contributions to Effective and Efficient Procedure (II)

- Standard case documents covering all procedural steps
 - Case administration database (e.g. case status information)
 - 'Experienced' case administration guidelines
 - Multilingual case administration
 - Broad legal background of international staff
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Examples of WIPO Contributions to Reasoned and Consistent Results (I)

- Quality panelists: intellectual property expertise and experience
 - 350 members from 50 countries worldwide
 - Posted detailed resumes
 - Conservative appointment policy takes account of nationality, language, case citations in pleadings, prior case involvement with parties, conflicts
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Examples of WIPO Contributions to Reasoned and Consistent Results(II)

- Standard decision format
 - Emphasis on reasoning
 - Panelist meetings and workshops
 - Online panelist forum
 - Capsule decisions summaries
 - Daily mailing list of new decisions
 - Legal digest of decisions
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WIPO gTLD UDRP Experience

- *Received cases* (May 1, 03): 4,970 (leading provider)
 - 8,685 domain names (33 'multilingual' cases)
 - famous marks, small and medium enterprises, individuals
 - parties from 110 countries
 - *Resolved cases*: 4,667 (96%)
 - WIPO panel decisions: 3,758
 - transfer rate: 80 % (1% cancellation)
 - party settlement: 909 cases
 - *Completion time per case*: approximately 2 months
 - *Communication*:
 - Over 1 million Web site hits per month
 - Over 40,000 online case communications per year
 - 10 case languages so far
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WIPO ccTLD Experience

- Trademark dispute procedural advice to 50 ccTLD administrators
 - WIPO dispute service adopted by 33 ccTLDs (May 1, 03)
 - 118 cases received, including consolidated ones
 - Trend towards adoption of UDRP
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UDRP Conclusions

- Demand for non-court options
 - Effective process
 - Acceptance online character
 - Enforcement of results
 - Benefits of uniformity
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New Top-level Domains

- Un-sponsored: .biz, .info, .name
 - Sponsored: .coop, .pro, .museum, aero
 - Policy types: UDRP, Start-Up Policies, Eligibility Policies
 - Start-Up: 15,172 'Sunrise' WIPO cases in .info, 338 'STOP' WIPO cases in .biz
 - Overviews per new domain:
<http://arbiter.wipo.int/domains/gtld/registry/index.html>
 - ICANN intention to introduce further domains
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Second WIPO Internet Domain Name Process: Other Identifiers

- International Nonproprietary Names (INNs) for pharmaceutical substances
 - Names and acronyms of international intergovernmental organizations (IGOs)
 - Personal names
 - Geographical identifiers (e.g indications of source, geographical terms)
 - Trade names (business names)
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Arab Involvement: Parties

- Less than 0,5 percent of WIPO complainants, and less than 1 percent of WIPO respondents, are based in Arab countries
 - Parties based in: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Tunesia, United Arab Emirates
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Arab Involvement: UDRP Domains

- One of the 33 Country-Code Top-Level Domains that have adopted the UDRP is Arab: United Arab Emirates

Arab Involvement: gTLD Registrars

- Two of the more than 150 generic Top-Level Domain registrars that have been accredited by ICANN are Arab: one in Jordan, one in Kuwait (ICANN site)

Arab Involvement: Language

- Since some 2 years, it is possible, as part of a 'test-bed' conducted by Verisign, to register and use domain names in a variety of scripts that includes Arabic. Some 1 million such names in all languages have been registered.
 - None of the 50 test-bed registrars are based in an Arab country (Verisign site)
 - None of the 33 WIPO cases involving such 'internationalized' names have involved a name in Arabic
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Information

- <http://arbiter.wipo.int/domains>
(including Center contact info)
 - <http://ecommerce.wipo.int>
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