



WIPO | ADR

Arbitration
and Mediation
Center

■ WIPO Internet Dispute Resolution Services

WIPO

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Domain Names and Trademark Rights

- Over 3.2 billion Internet users globally, the digital economy contributes to GDP, and promotes innovation and job creation
- Phishing, fraud, counterfeits, impersonation, malware
- Disputes between DN registrants and trademark owners
- ADR mechanisms help mitigate consumer confusion, and build trust in ecommerce
- The WIPO-created UDRP is a vital contribution to ecommerce

■ WIPO Director General Francis Gurry:

“Domain names involving fraud and phishing or counterfeit goods pose the most obvious threats, but all forms of cybersquatting affect consumers. WIPO’s UDRP caseload reflects the continuing need for vigilance on the part of trademark owners around the world.”

KEEP CALM

AND

CARRY ON

**(MANAGING
YOUR ccTLD)**

ccTLD and Dispute Resolution

- ccTLD Operator can “outsource” case administration and decision making
 - What does outsourcing a dispute mean for a ccTLD Operator?
 - Impartial and independent decision-makers
 - Does not preclude court options
 - No costs for the ccTLD Operator

- Some Dispute Resolution Models:
 - UDRP
 - UDRP variations
 - Expedited Arbitration (.AC, .IO, .PL, .SH)

WIPO ccTLD program

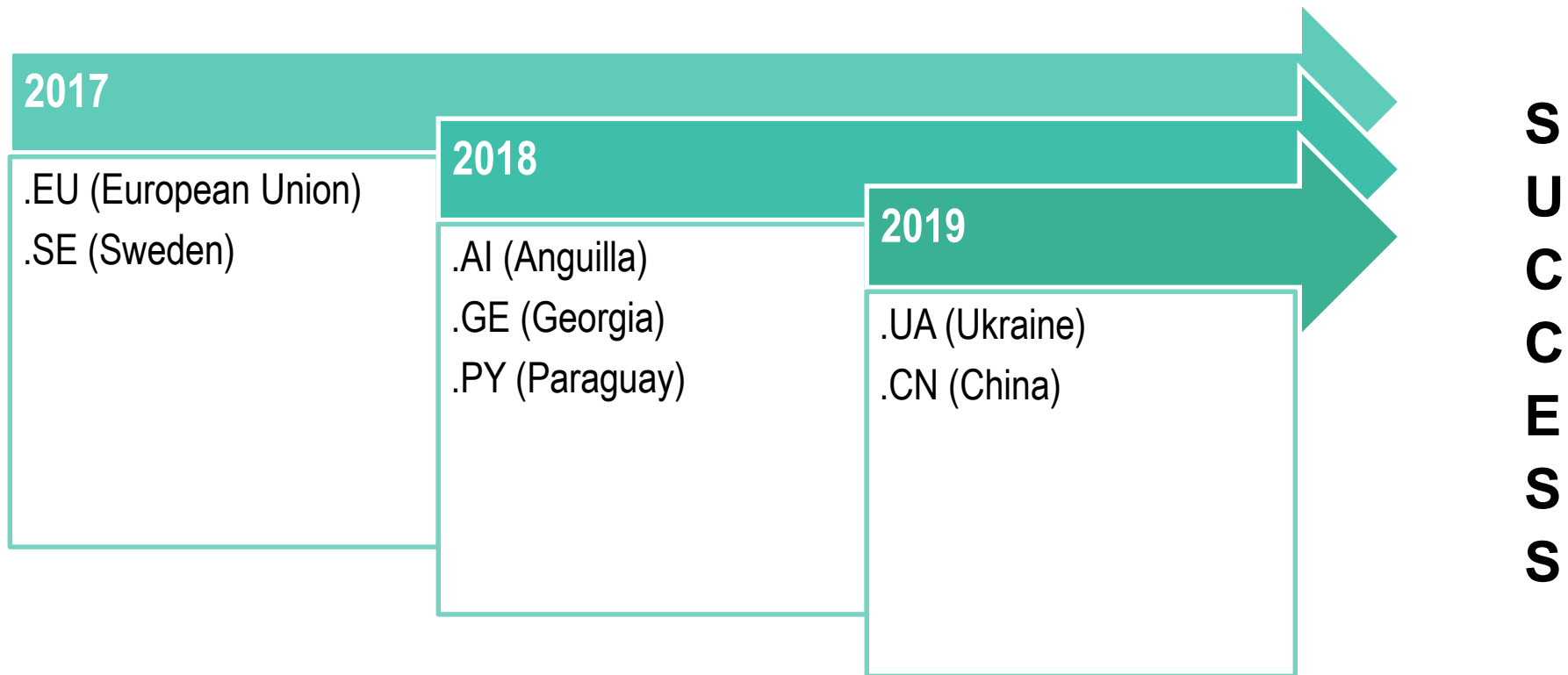
- Launched in 2000: over 75 ccTLDs use the WIPO Center for dispute resolution

- WIPO's ccTLD program covers:
 - Registration Agreement
 - Update of dispute resolution policies
 - Dispute resolution services

- WIPO ccTLD Best Practices:
 - Policies designed to curb abusive and bad faith registration
 - Minimum standards for IP protection in ccTLDs

WIPO ccTLD Program

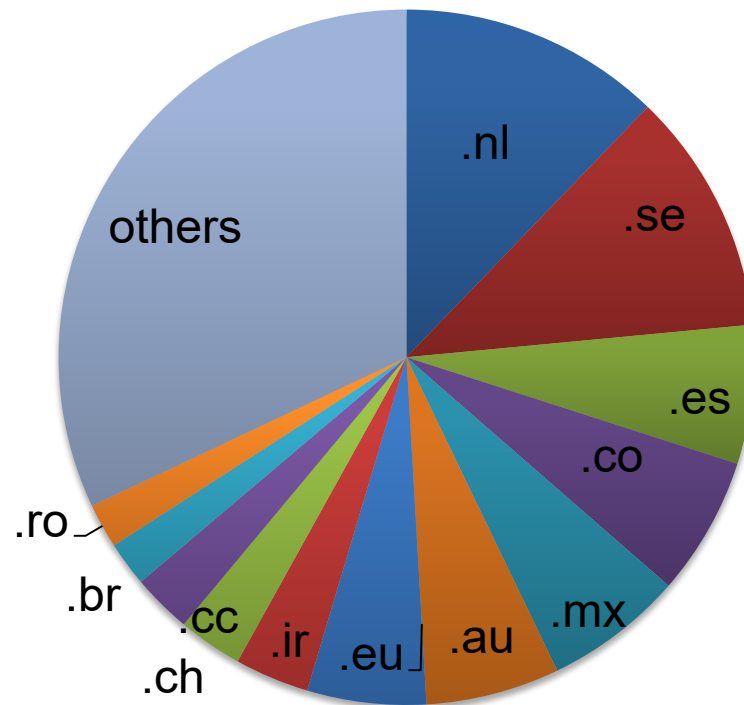
Latest additions to WIPO ccTLD program



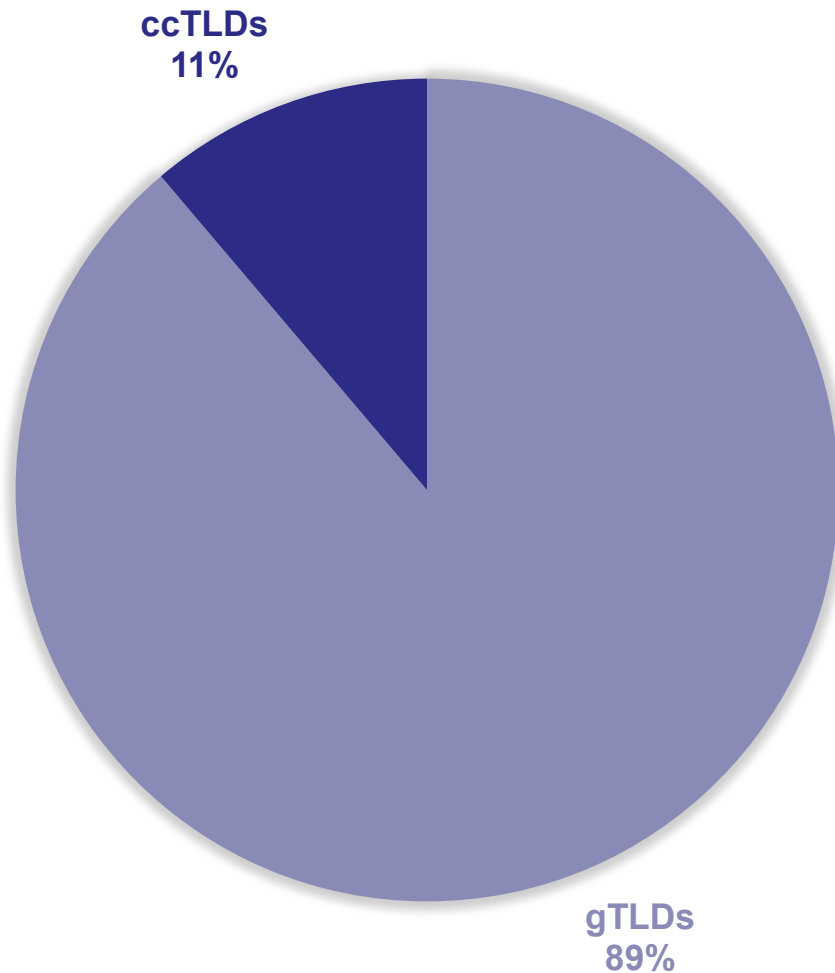
WIPO ccTLD program

■ Top 10 WIPO ccTLDs in 2018:

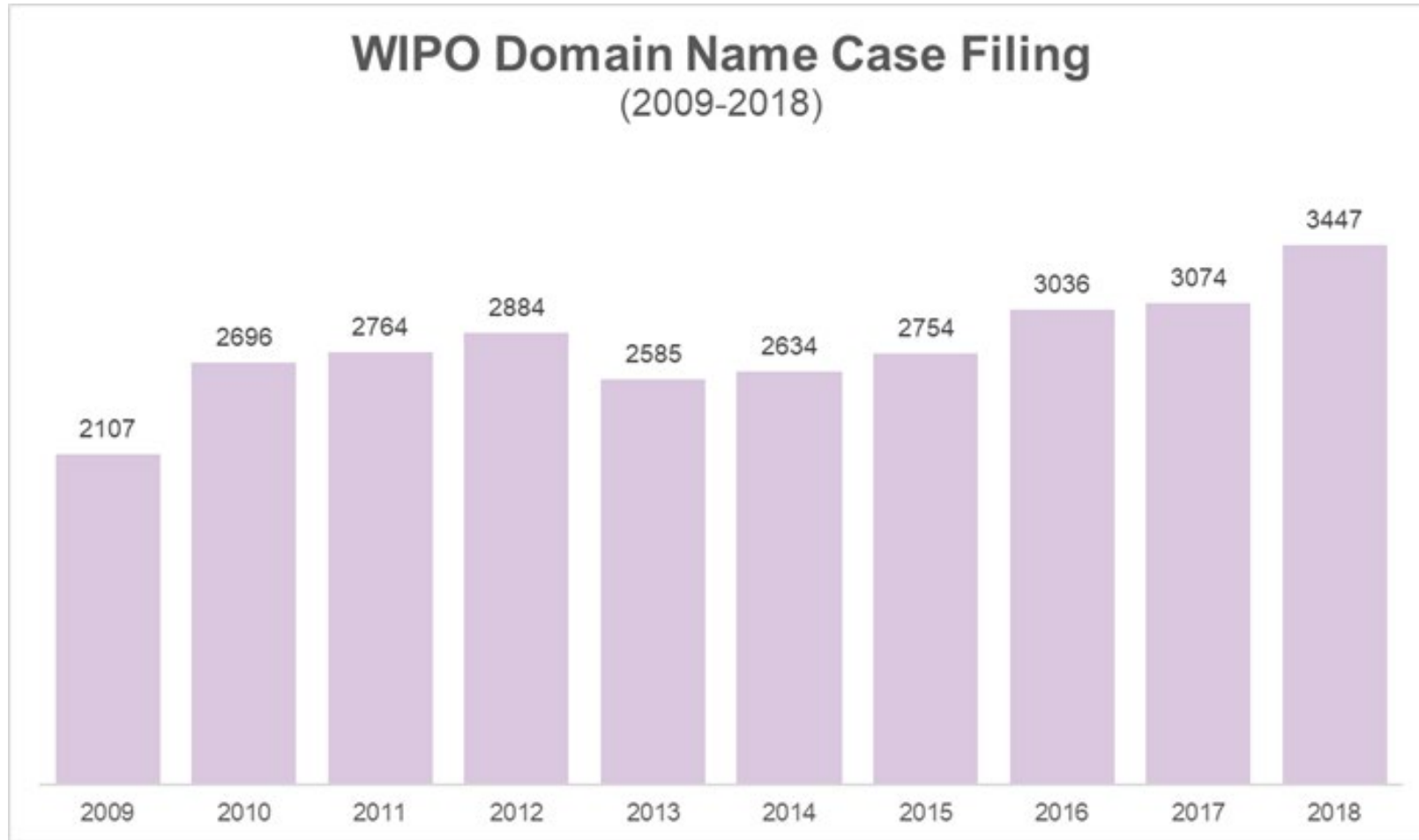
- .NL – 69 cases
- .SE – 68 cases
- .ES – 50 cases
- .CO – 43 cases
- .MX – 42 cases
- .AU – 37 cases
- .EU – 32 cases
- .IR – 22 cases
- .CC – 20 cases
- .CH – 19 cases



Domain Names in WIPO proceedings 2018



WIPO Case Filings per Year



WIPO OVERVIEW 3.0

- Filing parties can reasonably anticipate the results
- WIPO panels seek that the UDRP operates in a fair and predictable manner
- Sufficient flexibility to address evolving Internet and domain name practices

UDRP as adopted by WIPO ccTLDs

- **Over 40 WIPO ccTLDs have adopted the UDRP**

.AG, .AI, .AS, .BM, .BS, .BZ, .CC, .CD, .CO, .CY, .DJ, .EC, .FJ,
.FM, .GD, .GT, .KI, .LA, .LC, .MD, .ME, .MW, .NR, .NU, .PA, .PK,
.PN, .PR, .PW, .RO, .SC, .SL, .SO, .TJ, .TT, .TV, .UG, .VE, .VG,
.WS

UDRP: Principal Advantages

■ Time-effective

- 60-75 days

■ Cost-effective

- fixed fees

■ Predictable

- 20 years
- 45,000 cases
- 80,000 domain names

WIPO UDRP Case Statistics

- From 1 to 1,500 domain names per case
- Parties from over 170 countries
- Proceedings administered in over 20 languages

ccTLDs adopting the UDRP

■ Advantages

- Global jurisdiction
- Time and Cost efficiency
- Predictable
- Implementation by Registrar
- Paperless Pleadings
- Registry neutrality
- Possibility to combine ccTLD and gTLD domain names in the same complaint

WIPO ccTLD (UDRP) Variations

■ Over 30 ccTLDs have adopted a variation of the UDRP

.AE and امارات., .AO, .AU, .BO, .BR, .CH, .CN, .CR, .DO, .ES, .EU, .FR, .GE, .HN, .IE, .IR, .LI, .MA, .MP, .MX, .NL, .PE, .PH, .PM, .PY, .QA and قطر., .RE, .SE, .TF, .TM, .TZ, .UA, .WF, .YT

■ Key advantages:

- Type of disputes covered
- Language
- Cost
- Panelists
- «Appeals» (limited to national courts)

WIPO ccTLD (UDRP) Variations

■ **Scope of rights protected** (local and/or foreign)

- Trademarks registered in a specific country: .MA
- Trade names, personal names, company names, jurisdictionally-defined intellectual property rights: .AU, .ES, .NL, .IE
- Infringement of national IP laws: .CH, .FR

■ **Bad faith registration “or” use**

- .AU, .BR, .ES, .EU, .GE, .IR, .MX, .PE, .PY, .TZ

■ **Mediation / conciliation element**

- .CH, .NL

WIPO ccTLD (UDRP) Variations

■ Mutual Jurisdiction

- Local Courts: .BR, .CH, .IR

■ Fees

- Special fees: .AU, .BR, .ES
- Subsidized fees: .EU, .SE

■ Eligibility criteria

- Complainant must meet the ccTLD's eligibility criteria in case it requests transfer of the domain name: .AU, .EU

WIPO ccTLD (UDRP) Variations

■ Number and Nationality of Panelists

- Single member only: .ES, .FR
- Panel who is a national of the country corresponding to the ccTLD: .BR, .CH, .ES, .NL, .FR, .SE, .UA

■ Language

- Special provisions for the local language for the proceedings: .BR, .ES, .FR, .UA, .MA, .MX

Some relevant WIPO Cases with ccTLDs

- WIPO Case No. DUA2019-0001 <oppo.ua>
- WIPO Case No. DRO2019-0001 <facebook.ro>
- WIPO Case No. DRO2019-0004 <vodafonetv.ro>
- WIPO Case No. DGE2018-0001 <glovo.ge> and <glovoapp.ge>
- WIPO Case No. DGE2018-0002 <carrefour.com.ge>

Thanks

