

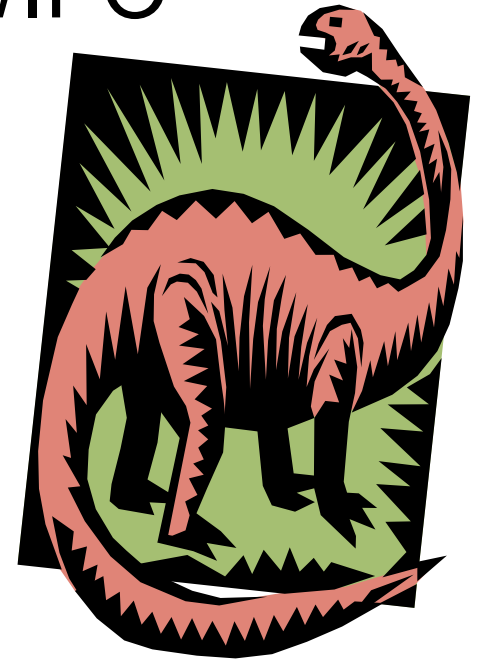
# ADR according to WIPO (using the UDRP)

**Petter Rindforth, Fenix Legal KB**



# How it all began...

- 1995: The first commercial web sites
- Treaty not an option – urgent problem
- The US Government asked WIPO
- The foundation of ICANN
- Adoption of WIPOs UDRP
- August 1999,  
Santiago/Chile



***”A good solution to a real  
and existing problem”***

Francis Gurry, Director General WIPO



# What is the UDRP?

- Contractual agreement to solve clear cases of alleged TM abuse in a DN
- All gTLDs and a large number of ccTLDs
- Cheaper than court (1 Panelist USD 1 500, 3 Panelists USD 4 000)
- Speedy (60 days)
- More or less online
- Still possible to take the Case to court (before or after)



# UDRP dispute resolution service providers



- World Intellectual Property Organization (WIPO) / December 1, 1999
- The National Arbitration Forum (NAF) / December 23, 1999
- Asian Domain Name Dispute Resolution Centre (ADNDRC) / February 28, 2002
- Czech Arbitration Court (CAC) / January 23, 2008

# The Uniform Domain Name Dispute Resolution Policy (UDRP)

- Complainant's mark and the domain name are identical or confusingly similar, ***and***
- Respondent has no legitimate rights or interest in the domain name, ***and***
- Respondent has registered ***and*** is using the domain name in bad faith

# UDRP remedies

- Transfer / No transfer
- Cancellation
- No fines / damages
- Losing party does not have to pay anything

# Problems and solutions





# JULIAROBERTS.COM

WIPO D2000-0210

For sale on eBAY

Respondent hold about 50  
similar DNs

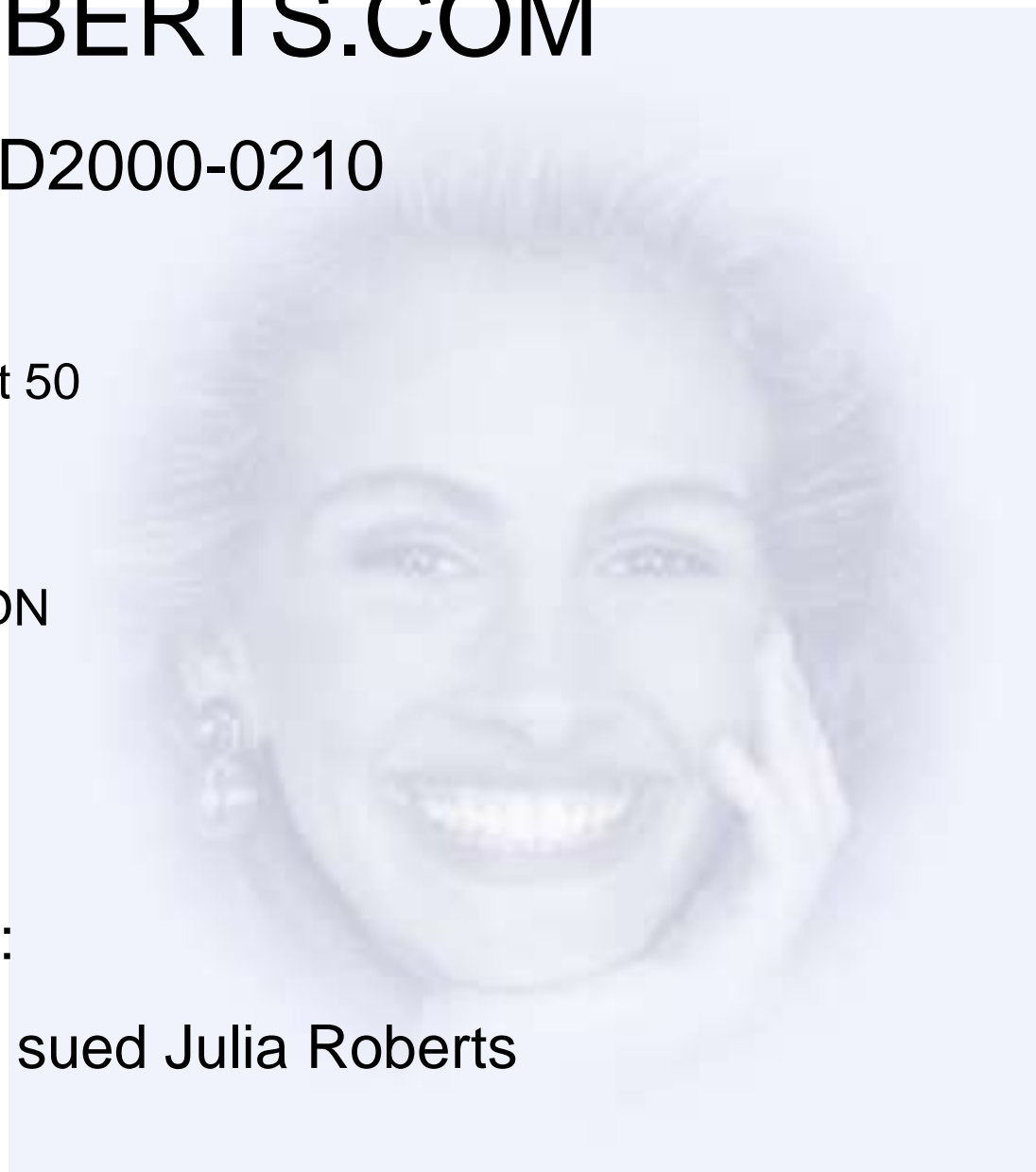
The name identical to the DN

No legitimate interest

Bad faith

**TRANSFERRED...but:**

Respondent thereafter sued Julia Roberts



# WIPO No. 2000-0807

## findus.com



# Booble™

The Adult Search Engine

Web

Toys &amp; DVDs

Booble Search

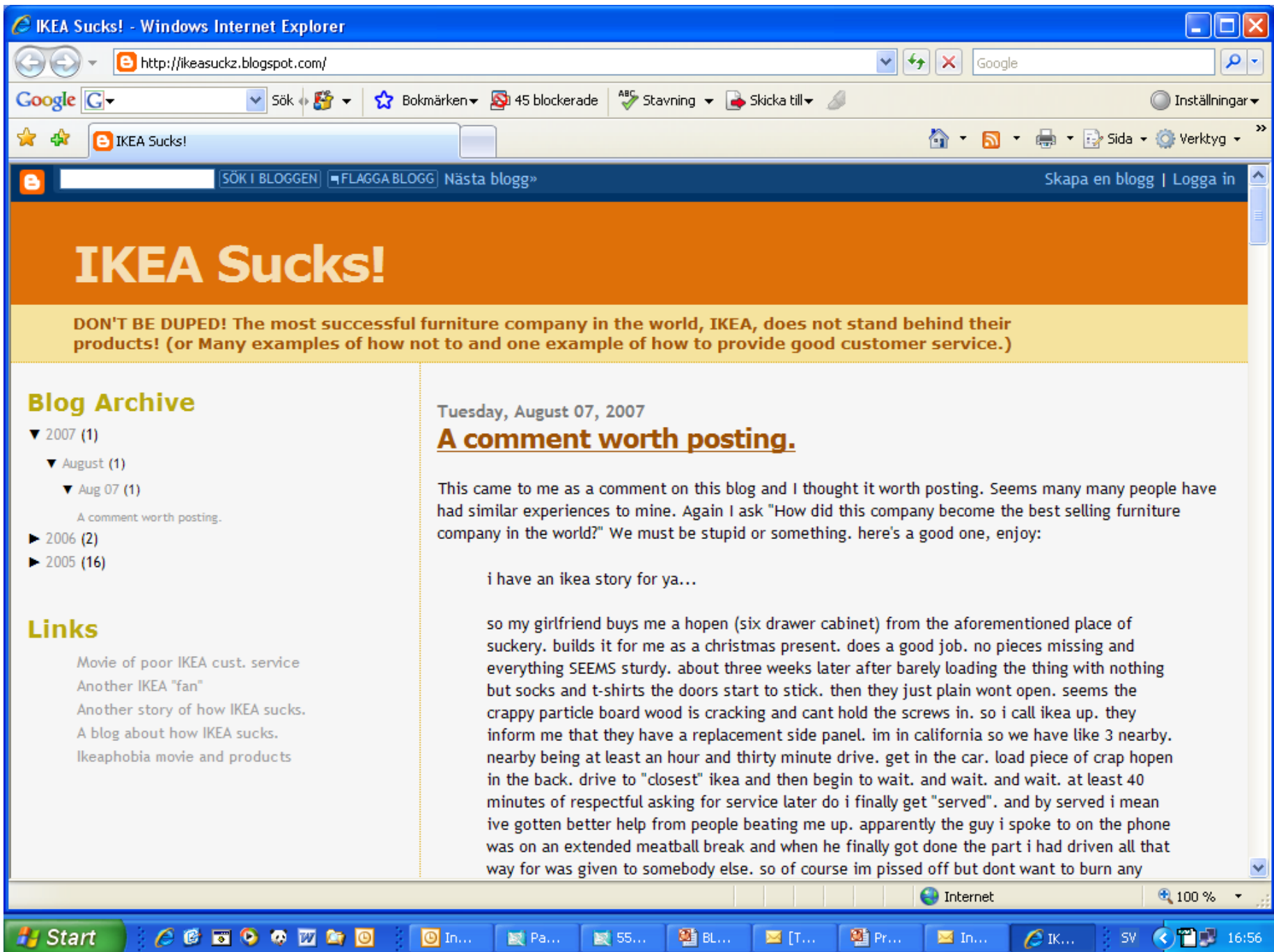
I am feeling animated!

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# Current shortcomings

- Proxy/privacy services, 16 – 27 milj gTLDs
- Increasing number of proxy domain disputes, more than 20% per year
- Domainers & pay-per-click: in the 90's a few individuals. Today: Thousands of commercial entities, well organized
- 80% no response
- 60 days not speedy enough

# The road ahead





# UDRP proposed improvements (WIPO)

- WIPO Legal Index  
<http://www.wipo.int/amc/en/domains/search/>
- "Preliminary intent to file a Complaint" (on-line)
- "Abbreviated form of Complaint"
- Full Complaint, but with faster decisions if no reply
  - case must still be considered in both parties interest



Thank you!  
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**.fenixlegal**  
*IP from a different angle*