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
- Loosing 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





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IKEA Sucks!

DON'T BE DUPED! The most successful furniture company in the world, IKEA, does not stand behind their products! (or Many examples of how not to and one example of how to provide good customer service.)

Blog Archive

- ▼ 2007 (1)
 - ▼ August (1)
 - ▼ Aug 07 (1)

A comment worth posting.

- 2006 (2)
- ► 2005 (16)

Links

🛃 Start

Movie of poor IKEA cust. service Another IKEA "fan" Another story of how IKEA sucks. A blog about how IKEA sucks. Ikeaphobia movie and products

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Tuesday, August 07, 2007

A comment worth posting.

This came to me as a comment on this blog and I thought it worth posting. Seems many many people have had similar experiences to mine. Again I ask "How did this company become the best selling furniture company in the world?" We must be stupid or something. here's a good one, enjoy:

i have an ikea story for ya...

so my girlfriend buys me a hopen (six drawer cabinet) from the aforementioned place of suckery. builds it for me as a christmas present. does a good job. no pieces missing and everything SEEMS sturdy. about three weeks later after barely loading the thing with nothing but socks and t-shirts the doors start to stick. then they just plain wont open. seems the crappy particle board wood is cracking and cant hold the screws in. so i call ikea up. they inform me that they have a replacement side panel. im in california so we have like 3 nearby. nearby being at least an hour and thirty minute drive. get in the car. load piece of crap hopen in the back. drive to "closest" ikea and then begin to wait. and wait. at least 40 minutes of respectful asking for service later do i finally get "served". and by served i mean ive gotten better help from people beating me up. apparently the guy i spoke to on the phone was on an extended meatball break and when he finally got done the part i had driven all that way for was given to somebody else. so of course im pissed off but dont want to burn any

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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! petter.rindforth@fenixlegal.eu



