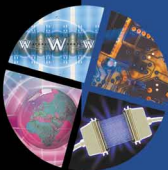


WIPO
ARBITRATION
AND
MEDIATION CENTER



Domain Name
Dispute Resolution Service
in 2000

<http://arbiter.wipo.int/domains>



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Domain Name Dispute Resolution Service in 2000

The WIPO Arbitration and Mediation Center is now recognized as the leading dispute resolution service provider for challenges related to abusive registration and use of Internet domain names, commonly known as "cybersquatting". Since commencing this service in December 1999, the Center has received some 1850 such cases, involving parties from 75 countries. This brochure provides a summary overview of this new WIPO activity in the year 2000.



1. Uniform Domain Name Dispute Resolution Policy

The WIPO Arbitration and Mediation Center's domain name dispute resolution service gives effect to the Uniform Domain Name Dispute Resolution Policy ("Policy"), adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999. The Policy, which is modeled on recommendations made by WIPO in the Report of the WIPO Internet Domain Name Process (WIPO Publication No. 439(E); <http://wipo2.wipo.int/process1>), provides holders of trademark rights with an administrative mechanism for the efficient resolution of disputes arising out of the bad-faith registration and use by third parties of Internet domain names corresponding to those trademark rights. The Policy applies to disputes in the generic top-level domains (gTLDs) *.com*, *.net*, and *.org*. The remedies available are limited to the transfer or cancellation of the domain name.

2. WIPO Procedure

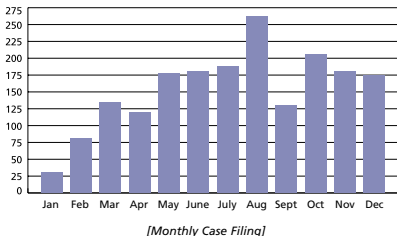
Under the applicable Rules, once a complaint is filed, the Respondent has 20 days to file a response. Upon receipt of a response or the expiration of that period, the Center appoints a Panel from its published List of Domain Name Panelists (see Section 7 below). The Panel renders a reasoned decision to the Center for transmission to the parties, the registrar and ICANN. The registrar must implement any transfer decision by the Panel, except if the losing registrant commences court proceedings against the Complainant within ten days. The entire WIPO proceeding is completed within two months. Complainants pay a fixed fee to cover the services of the Center and the Panel; the level of the fee increases with the number of domain names and further depends on whether the case is to be decided by a single or a three-member Panel.

3. WIPO Case Facilities

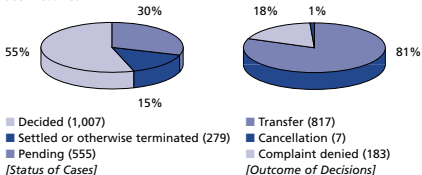
In order to deliver quality services under the Policy, the Center maintains an extensive legal, administrative and information technology infrastructure. The Center has constituted an international team of legal and paralegal staff who, supported by a secretariat, ensure the professional administration of the cases in accordance with the Rules. The staff has the ability to administer cases in 10 languages, with further languages being added as required. The Center's case management is supported by an online filing facility, e-mail communication facilities for parties and panelists, and systemized documents that include a model complaint and a model response. In the year 2000, the Center's conduct of the cases involved some 40,000 online communications.

4. Case Filings and Results

The Center received 1,841 gTLD cases, concerning over 3,200 domain names. By comparison to the other domain name dispute resolution service providers, the Center's caseload represents approximately 65% of all ICANN cases. The filing rate has risen steadily from 1 filing per calendar day in January 2000 to 6 per calendar day in the end of the year, reflecting market confidence in the procedure and in WIPO's administration thereof.



Of the gTLD cases filed, Panels have rendered decisions on 1,007 complaints. In 4 out of 5 cases, Complainants have prevailed, obtaining transfer of the domain names. 279 cases were terminated primarily on the basis of transfers agreed between the parties. Thus, in 2000 a total of 1,286 cases (69.9% of total cases) have been resolved.



5. Geographical Distribution

Reflecting the global reach of the Internet and the broad acceptance of this procedure, the geographical spread of the parties to the WIPO cases covers Complainants from 46 countries and Respondents from 73, with parties from the following 75 countries worldwide being involved overall. The Annex shows the geographical distribution of the gTLD cases in more detail.

Algeria	Hungary	Panama
Antigua and Barbuda	Iceland	Peru
Argentina	India	Philippines
Australia	Indonesia	Poland
Austria	Iran	Portugal
Bahamas	Iraq	Puerto Rico
Belarus	Ireland	Qatar
Belgium	Israel	Republic of Korea
Belize	Italy	Russian Federation
Brazil	Jamaica	Saint Lucia
Bulgaria	Japan	Saudi Arabia
Canada	Jordan	Singapore
Chile	Kenya	Slovenia
China	Kuwait	South Africa
Colombia	Lebanon	Spain
Costa Rica	Libyan Arab Jamahiriya	Sweden
Cyprus	Luxembourg	Switzerland
Czech Republic	Malaysia	Thailand
Denmark	Mexico	Turkey
Dominican Republic	Monaco	United Arab Emirates
Egypt	Netherlands	United Kingdom
Finland	New Zealand	Uruguay
France	Norway	United States of America
Germany	Oman	Venezuela
Guatemala	Pakistan	Zambia

6. Country Code Top-Level Domains

In addition to its role as dispute resolution service provider for the *.com*, *.net* and *.org* gTLDs, the Center is also working with country code top-level domain (ccTLD) registration authorities to provide domain name dispute resolution services. In 2000 some 40 ccTLDs have sought and received assistance from WIPO. The following 17 ccTLDs have retained the Center as dispute resolution service provider through their voluntary adoption of the Policy or of a similar procedure:

.AC (Ascension Island)	.MX (Mexico)	.SH (St. Helena)
.AG (Antigua & Barbuda)	.NA (Namibia)	.TT (Trinidad and Tobago)
.AS (American Samoa)	.NU (Niue)	.TV (Tuvalu)
.BS (Bahamas)	.PH (Philippines)	.VE (Venezuela)
.CY (Cyprus)	.PN (Pitcairn Island)	.WS (Western Samoa)
.GT (Guatemala)	.RO (Romania)	

In 2000, the Center received 16 cases involving domain names registered in ccTLDs. 7 of those have been resolved through 5 decisions in favor of the complainant and 2 settlements between the parties with 9 cases remaining pending.

7. Panelists

The WIPO List of Domain Name Panelists from which the Center makes appointments currently comprises 187 panelists from 37 countries in all regions, with further experts being added. Panelists are reputed for impartiality, sound judgment and experience as decision-makers, as well as for substantive experience in the areas of intellectual property law, electronic commerce and the Internet. Each panelist's professional profile is published on the Center's Web site. The Center successfully organized the first Domain Name Panelist Meeting on November 7, 2000 at the WIPO Headquarters, enabling the panelists and the Center to exchange experiences with regard to this procedure. Many panelists also attended the Center's International Conference on Dispute Resolution in Electronic Commerce on November 6 to 7, 2000, which included a program item on domain name dispute resolution.

8. Information

The Center's Web site at <http://arbiter.wipo.int/domains> presents full and up-to-date information, including:

- Listing of all cases with full text of decisions and case statistics
- Model complaint, model response and online filing form
- List of panelists and profiles
- Guide to the Uniform Domain Name Dispute Policy
- ICANN Policy, Rules and WIPO Supplemental Rules

Total Center Web site traffic reflects the widespread interest in this procedure:

2000	Number of hits	Number of distinct IP addresses served
January	123,255	6,523
February	138,833	8,282
March	200,683	11,125
April	200,127	10,198
May	304,965	12,048
June	407,921	16,870
July	423,609	16,803
August	582,189	23,345
September	653,210	21,468
October*	1,668,375	29,050
November	1,467,271	33,375
December	1,063,463	21,002

[Website Statistics]

** New design implemented in October, 2000 increased the number of graphics used, hampering comparison to earlier figures. The change did not affect the number of distinct IP addresses served.*

The Center also maintains an electronic mailing list offering information to interested parties concerning relevant Center developments. Requests to be included in the mailing list are made via the Center's Web site at <http://arbiter.wipo.int/information/index.html> or by sending an e-mail to majordomo@listbox.wipo.int (with the text "subscribe arbiter" in the body of the message).

The WIPO service has attracted widespread attention not only from the legal and trademark community but also among Internet users and the general public. WIPO domain name dispute resolution has been featured in the media throughout the year.

9. New Developments

Registration of "multilingual" domain names has recently become possible, after testing in Chinese, Japanese and Korean, with other languages following. Furthermore, new gTLDs (.aero, .biz, .coop, .info, .museum, .name, .pro) are expected to become operational in the course of 2001. The Center is working to offer services for disputes both for multilingual domain names and in new gTLDs.

The demands raised by the increasing caseload, the introduction of dispute-resolution services for ccTLD registration authorities, the introduction of new gTLDs and of multilingual domain names, as well as the possibility that the scope of the Policy will be broadened to encompass domain name disputes affecting other intellectual property-related rights (see the Second WIPO Internet Domain Name Process, <http://wipo2.wipo.int/process2>), make it likely that the role of WIPO and its Arbitration and Mediation Center will expand further in the year 2001.

ANNEX

List of Countries	Domicile of Complainant		Domicile of Respondent	
Algeria	0	0%	1	0.1%
Antigua and Barbuda	0	0%	3	0.2%
Argentina	7	0.4%	6	0.3%
Australia	45	2.4%	44	2.4%
Austria	6	0.3%	2	0.1%
Bahamas	1	0.1%	7	0.4%
Belarus	0	0%	1	0.1%
Belgium	15	0.8%	8	0.4%
Belize	0	0%	5	0.3%
Brazil	36	2.0%	22	1.2%
Bulgaria	0	0%	1	0.1%
Canada	28	1.5%	77	4.2%
Chile	4	0.2%	1	0.1%
China	9	0.5%	42	2.3%
Colombia	2	0.1%	1	0.1%
Costa Rica	0	0%	2	0.1%
Cyprus	0	0%	3	0.2%
Czech Republic	2	0.1%	6	0.3%
Denmark	9	0.5%	3	0.2%
Dominican Republic	0	0%	1	0.1%
Egypt	0	0%	1	0.1%
Finland	11	0.6%	5	0.3%
France	102	5.5%	34	1.8%
Germany	66	3.6%	14	0.8%
Guatemala	1	0.1%	1	0.1%
Hungary	1	0.1%	2	0.1%
Iceland	0	0%	1	0.1%
India	45	2.4%	26	1.4%
Indonesia	0	0%	8	0.4%
Iran	0	0%	4	0.2%
Iraq	0	0%	1	0.1%
Ireland	17	0.9%	19	1.0%
Israel	4	0.2%	12	0.7%
Italy	37	2.0%	31	1.7%
Jamaica	3	0.2%	2	0.1%
Japan	43	2.3%	19	1.0%
Jordan	1	0.1%	0	0%
Kenya	0	0%	1	0.1%

List of Countries	Domicile of Complainant		Domicile of Respondent	
Kuwait	0	0%	2	0.1%
Lebanon	2	0.1%	1	0.1%
Libyan Arab Jamahiriya	0	0%	1	0.1%
Luxembourg	2	0.1%	0	0%
Malaysia	3	0.2%	7	0.4%
Mexico	4	0.2%	8	0.4%
Monaco	19	1.0%	1	0.1%
Netherlands	36	2.0%	12	0.7%
New Zealand	4	0.2%	10	0.5%
Norway	8	0.4%	5	0.3%
Oman	0	0%	1	0.1%
Pakistan	0	0%	3	0.2%
Panama	0	0%	4	0.2%
Peru	0	0%	1	0.1%
Philippines	0	0%	4	0.2%
Poland	1	0.1%	4	0.2%
Portugal	8	0.4%	5	0.3%
Puerto Rico	0	0%	2	0.1%
Qatar	0	0%	1	0.1%
Republic of Korea	4	0.2%	52	2.8%
Russian Federation	0	0%	16	0.9%
Saint Lucia	0	0%	1	0.1%
Saudi Arabia	0	0%	2	0.1%
Singapore	9	0.5%	5	0.3%
Slovenia	0	0%	1	0.1%
South Africa	6	0.3%	2	0.1%
Spain	90	4.9%	101	5.5%
Sweden	27	1.5%	25	1.4%
Switzerland	42	2.3%	20	1.1%
Thailand	1	0.1%	6	0.3%
Turkey	3	0.2%	9	0.5%
United Arab Emirates	2	0.1%	6	0.3%
United Kingdom	171	9.3%	150	8.1%
Uruguay	0	0%	4	0.2%
United States of America	897	48.7%	943	51.2%
Venezuela	7	0.4%	8	0.4%
Zambia	0	0%	1	0.1%

For more information contact the
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Visit the Arbitration and Mediation Center
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