

**DISPUTE PREVENTION AND  
RESOLUTION —  
THE PROSPECTIVE OF CNNIC**

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February 20, 2001

*China Internet Network Information Center*

# About CNNIC

## China Internet Network Information Center

- Founded on June 3, 1997
- Nonprofit organization
- Under the authorization and direction of the Ministry of information industry
- Within Computer Network Information Center, CAS
- CNNIC Steering Committee supervises and evaluates the construction, operation and performance of CNNIC.

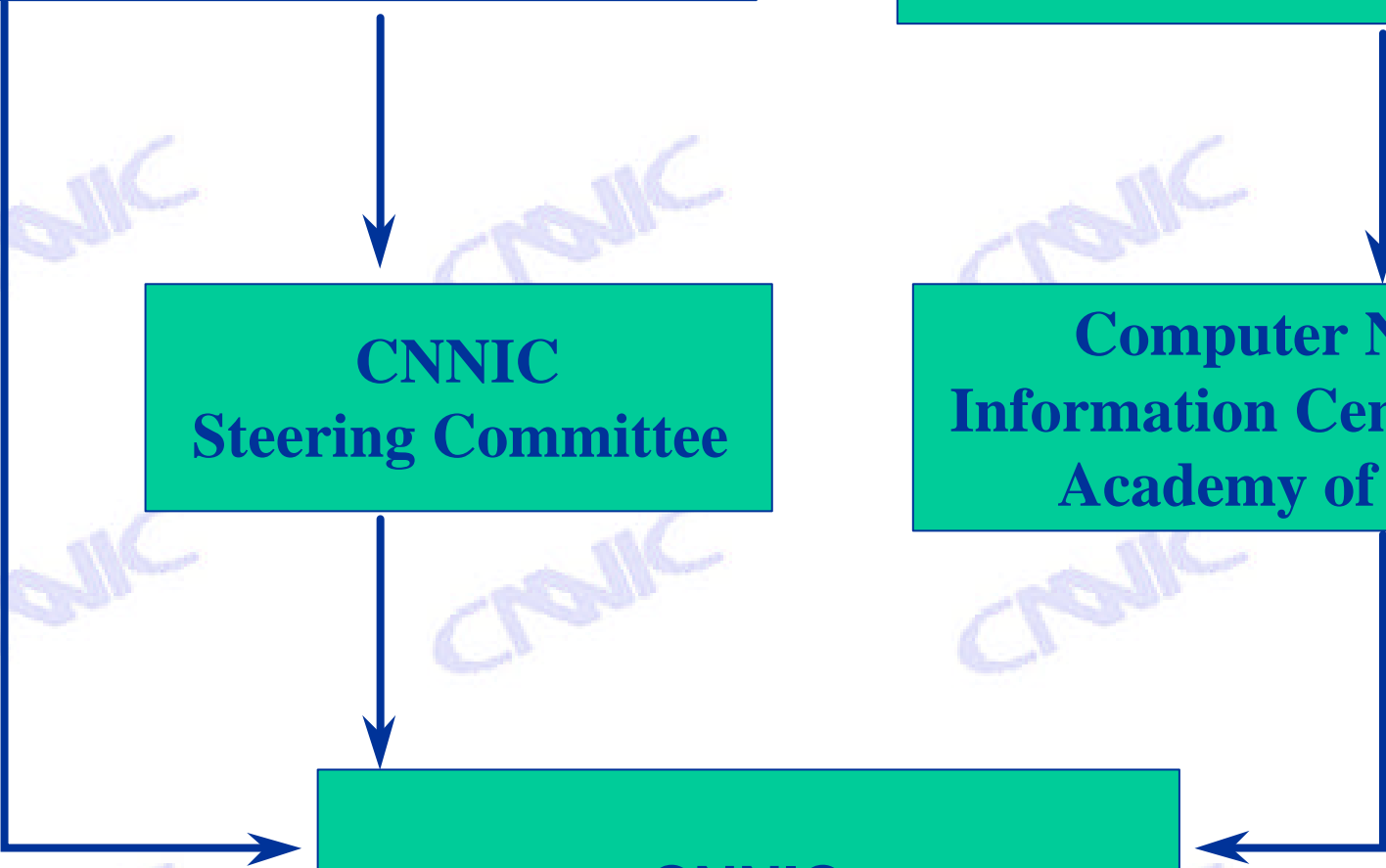
**Ministry of Information Industry**

**Chinese Academy of Sciences**

**CNNIC Steering Committee**

**Computer Network Information Center, Chinese Academy of Sciences**

**CNNIC**



# CNNIC Tasks

- **Registration Service:** domain names registration, IP addresses distribution, autonomous system codes
- **Directory services:** Whois
- **Information Service:** Semiannual Survey Report on the Development of China's Internet, CNNIC's Third Party Web Site Traffic Audit
- **International Coordination**
- **Research and Development**

# Domain Names of China's Internet

- **Category Domain Names (6)**

**COM.CN:** enterprises **EDU:** educational institutions

**NET.CN:** information centers and operation centers  
of interconnecting and accessing networks

**ORG.CN:** non-profit organizations.

**GOV.CN:** government agencies

**AC.CN:** scientific research institutions

- **Administrative Division Domain Names (34 )**

e.g. **BJ.CN** :Beijing Municipality

# Chinese-language Domain Names

- Mixture : \*.CN
- Pure Chinese Characters:
- Launch Experimental Registration on Jan 18, 2000
- CNNIC as Registry : Delegated by MII
- Registrars Delegated by CNNIC

# Measures To Prevent Domain Name Disputes

- Pre-registration Measures
- Domain Name Registration Agreement
- Registrar's Examination After Registration
- Alternative Dispute Resolution System

# Pre-registration Measures

- for well-known trademarks
- for well-known trade names or business names
- for important administrative district names
- for names of governmental organs



# Domain Name Registration Agreement

- Domain Name Registrants' Contact Details
- Domain Name Registrants' Representations

# Domain Name Registrants' Contact Details

- The name of the authorized person for administrative or technical contact purpose
- The applicant's full name, post address telephone, fax and email

# Domain Name Registrants' Representations

- No infringement against the legitimate rights or interests of any third party
- Truthfulness and accuracy of the contact information
- Commitment to submit to the jurisdiction of China People's Court and the administrative dispute resolution procedure enacted by CNNIC

# Registrar's Examination After Registration

- Based on the agreement between CNNIC and registrars
- To the best knowledge of the registrar, to prevent the domain name registration from being contradictory to the interests of the state, society or the public within individual knowledge range
- Registrar's disclaimer

# Alternative Dispute Resolution System

- “Chinese Domain Name Dispute Resolution Policy” November 1, 2000
- Domain Name Dispute Settlement Center of China International Economic and Trade Arbitration Commission, Jan. 1, 2001.

# Requirements for Complaints

- The complained domain name is identical with or confusingly similar to the complainant's trademark;
- The domain name registrant does not have trademark right, or any other legitimate right or interest;
- The domain name registrant is in bad faith;
- The domain name has adverse affects to complainant's business

# Evidence of Bad Faith

- Offering to sell the domain name for profit;
- Attempting to prevent the owner of the trademark from reflecting the mark in a corresponding domain name;
- The domain name registrant attempts to attract, for financial gain, internet users to the domain name registrant's website or other on-line location, by creating confusion with the trademark of the complainant.

# Domain Name Registrants' Defenses

- Having a legally protected right or interest;
- Having commenced legitimate use of the domain name, and consequently gained considerable reputation;
- Causing no negative effect on the registered trademark or the trademark owner;
- The complainant had registered a completely different domain name, without convincing evidence that he had legitimate reasons for not registering the domain name at the outset;
- The trademark for which protection is requested had not yet protected in china.



# Procedure Rules

- The complaints are in both electronic and tangible form.
- The respondent may file the defenses in 20 days.
- Combination of procedures
- Untouched judiciary, arbitration or meditation resolution
- The decision shall be made within 14 days by the expert panel.

# Future Development

- Pending for expansion of the coverage of the  
DRP
  - Trade names
  - Individual names
  - Geographic names

**Thank You !**

**CNNIC**

**[http:// www.cnnic.net.cn](http://www.cnnic.net.cn)**

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