




WIPO ccTLD Best Practices for the prevention and resolution of Intellectual Property Disputes

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Overview

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 - What is their origin?
 - Published as consultation paper
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 - Alternative dispute resolution
 - Registration agreement and other modalities
- 




What are the WIPO ccTLD Best Practices?

Voluntary set of guidelines intended to assist administrators of ccTLDs in the management of intellectual property in their domains, with a particular focus on dispute prevention and resolution.





Origin?

- Member Governments request WIPO to cooperate with administrators of ccTLDs (« WIPO ccTLD Program »)
 - In particular, WIPO is invited to
 - « develop, for the assistance of the administrators in ccTLDs, voluntary guidelines for the development of practices and policies to curb abusive and bad faith registration of protected names, and to resolve related disputes »
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Published as consultation paper

- Draft on which comments are sought, after which it will be published in final form
- All interested parties are invited to submit comments
- Comments are due by April 30, 2001
- Comments can be submitted on-line
 - <http://ecommerce.wipo.int> (domain names)
 - <http://ecommerce.wipo.int/domains/cctlds/bestpractices>
- Languages
 - Initially: English, French and Spanish
 - Later: Arabic, Chinese and Russian



WIPO ccTLDs Best Practices for the Prevention and Resolution of Intellectual Property Disputes

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- [Submit a comment](#)



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Background and Purpose

The [Report on the Internet Domain Name Process](#) (April 30, 1999) of the World Intellectual Property Organization (WIPO) formulated recommendations aimed at alleviating intellectual property conflicts in the gTLDs. Since the publication of the Report, many of the measures that it advocated have been adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) and the entry into effect of the Uniform Domain Name Dispute Resolution Policy, in particular, has had a major impact in reducing the opportunity for bad faith cybersquatting in the gTLDs.

As a result of their growing popularity, the ccTLDs are becoming increasingly the object of attention and the management of intellectual property conflicts in the country code domains has emerged as one of the key policy questions in this regard. In view of these developments WIPO was requested by its member Governments to develop a cooperation program for the administrators of ccTLDs to advise them on intellectual property strategy and management for their domains, including dispute prevention and resolution. Following this request, WIPO launched its [ccTLD Program](#) covering the following areas:

1. The design of appropriate domain name registration practices aimed at preventing friction between domain names and intellectual property rights;
2. The design of appropriate dispute resolution procedures, to complement traditional court litigation, aimed at resolving domain name disputes expeditiously and at a moderate cost; and
3. The provision of dispute resolution services through the WIPO Arbitration and Mediation Center to any ccTLD administrator who wishes to retain it for that purpose.

Since the launch of the Program, the administrators of many ccTLDs have sought WIPO's advice on the management of intellectual property in their domains and a number of them have retained the WIPO Arbitration and Mediation Center as dispute resolution service provider. WIPO now is providing intellectual property advice to the administrators of ccTLDs on an ongoing basis.

Submit Comment

Comments are sought from interested parties on the WIPO ccTLD Best Practices for the Prevention and Resolution of Intellectual Property Disputes, a voluntary set of intellectual property guidelines for the benefit of ccTLD administrators.

The deadline for the submission of comments is April 30, 2001.

Name:

Organization/Company:

Position / Function:

Email Address:

Subject: WIPO ccTLD Best Practices


Attach document:

Comment:


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General principles

- Basis:
 - Report of the WIPO Internet Domain Name Process (April 30, 1999)
 - Experience of the WIPO Arbitration and Mediation Center in the administration of the UDRP (more than 2000 cases)
 - Lessons learnt and feedback received from ccTLD administrators (collaboration with 44)
 - Not a tailor-made scheme, but a flexible framework that is built around a number of critical elements, recognizing the existence of differing local requirements
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General principles (continued)


- Apply fully to open ccTLDs, but also to the « more open » chartered ccTLDs
 - Minimum standards
 - Will be regularly updated
 - Topics covered:
 - Registrant contact details (Whois)
 - Alternative dispute resolution
 - Registration agreement and other modalities
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Registrant contact details


- Critical need for Whois service that is publicly accessible in real-time
 - Covering the following data elements:
 - Full name of registrant
 - Physical address
 - Email, phone and fax
 - If organization, the name of authorized representative
 - It is recognized that ccTLD administrators must abide by mandatory privacy regulations; however:
 - No slogans: what does the law precisely restrict?
 - Must be implemented in such a way that it does not unduly interfere with legitimate attempts of IP owners to enforce their rights
- 



Alternative dispute resolution (ADR)


- ccTLD administrators are encouraged to adopt ADR procedures because they avoid:
 - Jurisdictional problems resulting from the global presence offered by domain names
 - Multiple court actions in case of abusive registrations across several TLDs
 - Slow pace of court litigation
 - High cost of court litigation
 - Registration authorities being joined in litigation proceedings
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Minimum ADR requirements

- Mandatory character
 - Decisions based on all facts and circumstances
 - Blocking of transfers pending proceedings
 - Direct enforcement
 - Quick results
 - Moderate costs
 - Independent from registration authorities
 - Relationship with court proceedings
 - Scope of procedures
- 




UDRP: excellent reference model and starting basis

- Result of broad international consultation (WIPO and ICANN)
 - Considerable real-world experience
 - Favorable review of overall majority of decisions
 - Introduction of greater uniformity
 - Possibility of consolidation of complaints
 - Restricted scope (« abusive registrations ») limits controversy
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Registration agreement and other modalities

- All the above to be reflected in registration agreement which must comply with local legal requirements
 - All relevant documents must be posted in an easily accessible manner on the website of the ccTLD administrator
 - One or more staff members of the ccTLD administrator must be appointed to liaise with parties to the dispute and the dispute resolution service provider
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Thank you for your attention

HTTP://ECOMMERCE.WIPO.INT
(Domain Names)

