



מְדִינַת יִשְׂרָאֵל
STATE OF ISRAEL

מְדִינַת יִשְׂרָאֵל
מְדִינַת יִשְׂרָאֵל

Ministry of Justice
Patent Office

January, 1 2001
Jerusalem, Israel

re: reply to WIPO RFC-2

We are pleased to introduce the Israel Patent Office's reply to the copy circulated regarding Issues Addressed in the Second WIPO Internet Domain Name Process (WIPO RFC-2):

Personal Names

- ◆ Personal names (including nicknames) should be protected where the applicant of the domain name (either commercial or non-commercial entities) intends to capitalize on the goodwill of the name, in particular when the name belongs to a famous person (celebrity).
- ◆ All personal names should be protected where reputation can be established. In the case of fictional names and with characters' names, protection should be granted only when famous trademarks are involved or likelihood of confusion may occur.
- ◆ The protection of a personal name which is also entitled to a trademark protection should not be limited to a specified period of time, as long as the trademark is distinctive. In other cases, the protection should be limited to a few decades, after the person's death.
- ◆ Bad faith should be defined as follows: intent to capitalize on the good will of the name's owner, whether by creating confusion or benefiting from the good will in other ways. Possible exceptions: where other values (such as the fair use defense granted against wrongful use of copyrights, freedom of speech or expression, e.g. satire, parody), overweight the right of the person's name.
- ◆ When registration of domain names violates the right of publicity or trademark rights, the registration should be canceled or transferred to the name's owner.
- ◆ Protection should be granted both under the national law - in case of the national law can be enforced on the violator, and within the UDRP level.
- ◆ We believe that directory will be beneficial.

International Intergovernmental Organizations, Geographical Names & Indications, Tradenames

International Intergovernmental Organizations, Geographical Names & Indications and Tradenames should be protected under the trademark law or where they gained reputation even if not registered. Non-

מְדִינַת יִשְׂרָאֵל, מְדִינַת יִשְׂרָאֵל 11, מְדִינַת יִשְׂרָאֵל
ú.ã. 34255, מְדִינַת יִשְׂרָאֵל 91341

Lev Hagiva Building, 11 Beit Hadehus St. Givat shaul
P.O.Box 34255, Jerusalem 91341 Israel

טֵל: 972-2-5316643 Tel: 972-2-
5316651
פַּקס: 972-2-53166764 Fax:



מְדִינַת יִשְׂרָאֵל
STATE OF ISRAEL

מִנִּיֵּשְׁטֵר אֶלְמִנִּיֵּשְׁטֵר
מִנִּיֵּשְׁטֵר אֶלְמִנִּיֵּשְׁטֵר

Ministry of Justice
Patent Office

profit International Intergovernmental Organizations' names should be protected under the law of unlawful enrichment and also under specific registration which concerns these organizations. Appellations of origin should be protected according to the Lisbon Agreement.

C:\data\work_temp\listserver\Yaara-Shoshani-Domain Names - WIPO.doc

מִנִּיֵּשְׁטֵר אֶלְמִנִּיֵּשְׁטֵר, מִנִּיֵּשְׁטֵר אֶלְמִנִּיֵּשְׁטֵר 11, מִנִּיֵּשְׁטֵר אֶלְמִנִּיֵּשְׁטֵר
א.ג. 34255, יְרוּשָׁלַיִם 91341

Lev Hagiva Building, 11 Beit Hadehus St. Givat shaul
P.O.Box 34255, Jerusalem 91341 Israel

טֵל' : 972-2-5316643 Tel: 972-2-
5316651

פַּקְס': 972-2-53166764 Fax: