

How WIPO ADR Services Can Help Resolve IP Disputes

WIPO's UDRP Resources

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Domain Dispute Resolution

UDRP

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File a UDRP complaint / response

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Find UDRP jurisprudence

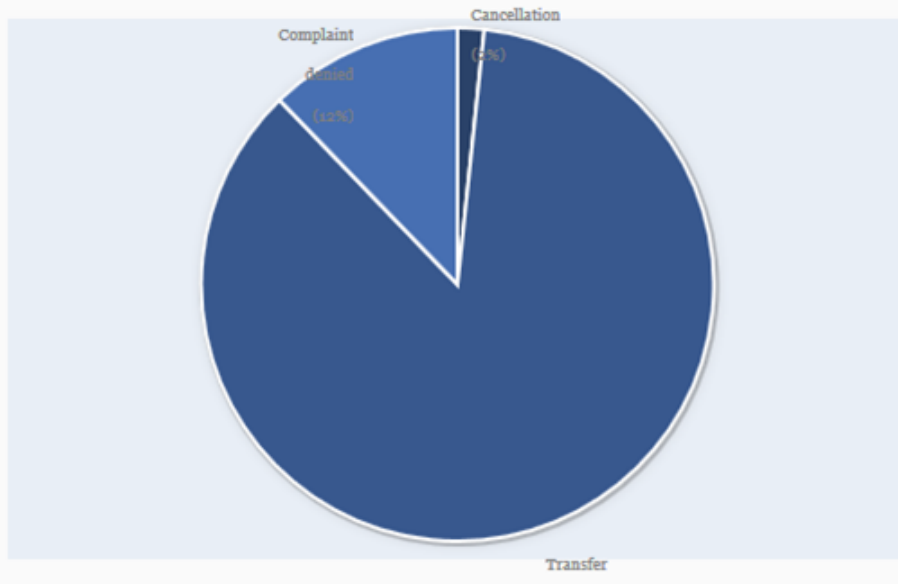
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Access WIPO domain name policy work

[WIPO internet domain name processes](#)
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Case Outcome (Consolidated): All Years

Outcome	Number of Cases	Percentage
Cancellation	433	1.67%
Transfer	22385	86.12%
Complaint denied	3179	12.23%



WIPO Overview of WIPO Panel Views

<http://www.wipo.int/amc/en/domains/>

“WIPO Overview 2.0”

1. First UDRP Element

- 1.1 Does ownership of a registered trademark to which the domain name is identical or confusingly similar automatically satisfy the requirements under paragraph 4(a)(i) of the UDRP?
- 1.2 What is the test for identity or confusing similarity, and can the content of a website be relevant in determining this?
- 1.3 Is a domain name consisting of a trademark and a negative term confusingly similar to the complainant's trademark? ("sucks cases")
- 1.4 Does the complainant have UDRP-relevant trademark rights in a trademark that was registered, or in which the complainant acquired unregistered rights, after the domain name was registered?
- 1.5 Can a complainant show UDRP-relevant rights in a geographical term or identifier?
- 1.6 Can a complainant show UDRP-relevant rights in a personal name?
- 1.7 What needs to be shown for the complainant to successfully assert common law or unregistered trademark rights?
- 1.8 Can a trademark licensee or a related company to a trademark holder have rights in a trademark for the purpose of filing a UDRP case?
- 1.9 Is a domain name consisting of a trademark and a generic, descriptive or geographical term confusingly similar to a complainant's trademark?
- 1.10 Is a domain name which contains a common or obvious misspelling of a trademark (i.e., typosquatting) confusingly similar to a complainant's trademark?
- 1.11 Are disclaimed or design elements of a trademark considered in assessing identity or confusing similarity?

2. Second UDRP Element

- 2.1 Is the complainant required to prove that the respondent lacks rights or legitimate interests in the disputed domain name?
- 2.2 Does a respondent automatically have rights or legitimate interests in a domain name comprised of a dictionary word(s)?
- 2.3 Can a reseller/distributor of trademarked goods or services have rights or legitimate interests in a domain name which contains such trademark?
- 2.4 Can a criticism site generate rights or legitimate interests in the disputed domain name?
- 2.5 Can a fan site generate rights or legitimate interests in the disputed domain name?
- 2.6 Do parking and landing pages or pay-per-click (PPC) links generate rights or legitimate interests in the disputed domain name?
- 2.7 Does a respondent trademark corresponding to a disputed domain name automatically generate rights or legitimate interests?

3. Third UDRP Element

- 3.1 Can bad faith be found if the domain name was registered before the trademark was registered or before unregistered trademark rights were acquired?
- 3.2 Can there be use in bad faith when the domain name is not actively used and the domain name holder has taken no active steps to sell the domain name or to contact the trademark holder (passive holding)?
- 3.3 What constitutes a pattern of conduct of preventing a trademark holder from reflecting the mark in a corresponding domain name?
- 3.4 Can constructive notice, or a finding that a respondent "knew or should have known" about a trademark, or willful blindness, form a basis for finding bad faith?
- 3.5 What is the role of a disclaimer on the web page of a disputed domain name?
- 3.6 Can statements made in settlement discussions be relevant to showing bad faith?
- 3.7 Does the renewal of the registration of a domain name amount to a registration for the purposes of determining whether the domain name was registered in bad faith?
- 3.8 Can third-party or "automatically generated" material appearing on a website form a basis for finding registration and/or use in bad faith?

25 Most Cited Decisions in Complaint/Response

Cited Case Number	Domain Name	Frequency
D2000-0003	telstra.org	5360
D2000-0163	veuveclique.org	1970
D2001-0903	okidataparts.com	1788
D2000-0055	guerlain.net	1564
D2000-0847	madonna.com	1195
D2001-0067	drexel.org	1021
D2003-0455	croatiaairlines.com	1020
D2004-0312	porschesales.com	834
D2000-0028	cellularonechina.com	822
D2000-1409	calsony.com	805
D2000-0226	christiandior.com	788
D2003-0696	pepsiadventure.com	786
D2000-1525	magnum-pier.com	781
D2001-1314	duetsche-bank.com	779
D2000-0429	rollerblade.net	759
D2004-0488	porsche-me.com	692
D2000-0020	saint-gobain.net	668
D2000-0137	xpediatravel.com	633

Cited Case Number	Domain Name	Frequency
D2000-0161	zero.com	224
D2001-0031	sweeps.com	221
D2002-0189	paparazzo.com	216
D2000-0016	allocation.com	211
D2000-1654	tammy.com	196
D2001-0764	matress.com	175
D2000-0003	telstra.org	166
D2001-0074	ode.com	162
D2003-0297	futureworld.com	138
D2000-1151	goldline.com	124
D2000-1840	firstamerican.com	115
D2000-0207	pottery-barn.com	109
D2005-1132	cartonnetworkya.com	107
D2000-0752	shutterbug.com	106
D2001-0903	okidataparts.com	102
D2005-0241	elephant.com	101
D2000-1005	ezstreet.net	96
D2006-1275	outside.com	90

“How To” Resources

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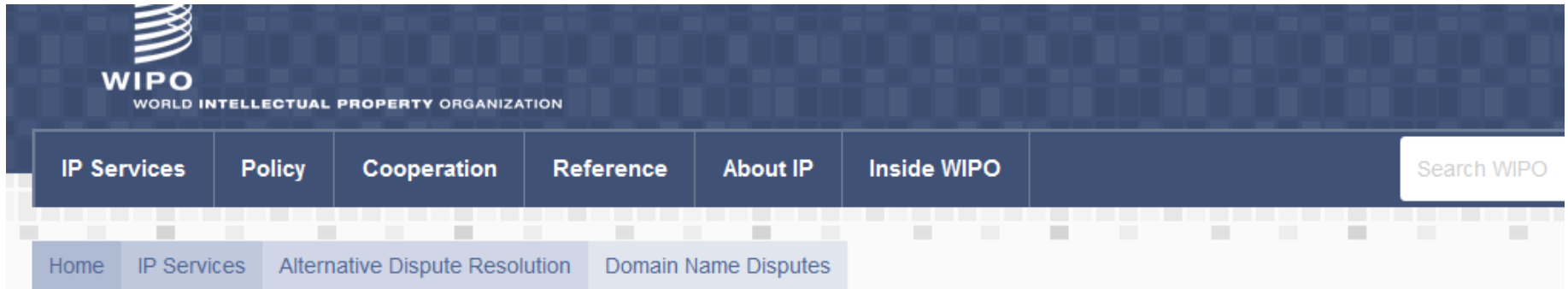
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Model Complaint



UDRP Model Complaint and Filing Guidelines

The WIPO Arbitration and Mediation (Center) has prepared a Model Complaint intended to serve as a guide for preparing a Complaint under Resolution Policy (Policy or UDRP), Rules for Uniform Domain Name Dispute Resolution Policy (Rules) and WIPO Supplemental Rules for U Resolution Policy (Supplemental Rules). The Model Complaint is available as a Word document or online form.

WIPO UDRP Complainants must file their complaint, including all annexes electronically. To facilitate your filing with the Center, the following are available:

- download and complete the [Model Complaint Word document](#) for submission as an email attachment to domain.disputes@wipo.int; or
- complete and submit the Model Complaint directly online.

Model Response

UDRP Model Response and Filing Guidelines

The WIPO Arbitration and Mediation Center (Center) has prepared a Model Response to serve as a guide for preparing a Response to a Uniform Domain Name Dispute Resolution Policy (Policy or UDRP), Rules for Uniform Domain Name Dispute Resolution Policy (Rules) and WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (Supplemental Rules). The Model Response is available as a Word document or online form.

WIPO UDRP Respondents must file their response, including all annexes electronically. To facilitate your filing with the Center, you may:

- download and complete the [Model Response Word document](#) as a Word document for submission as an email attachment to the Center;
- complete and submit the [Model Response form directly online](#).

Using the Model Response as a basis for the preparation of a party's submission does not preclude the possibility of appointed Panelists. The Model Response is provided as a guide only and does not guarantee a Respondent's success on the merits.

In filing your UDRP Response with the Center:

- The Response and all annexes should be submitted electronically copied to the Complainant. File size and format modalities are specified in the [Model Response](#).
- If the Respondent is requesting a three-member Panel requiring a payment, the payment should be made to the Center as specified in the [Model Response](#). Payment made by credit card should only be made using the Center's [secure online payment facility](#). Please do not include any credit card information in the Response. For payment-related queries, please call +41 (0) 22 338 8247 or email domain.disputes@wipo.int.