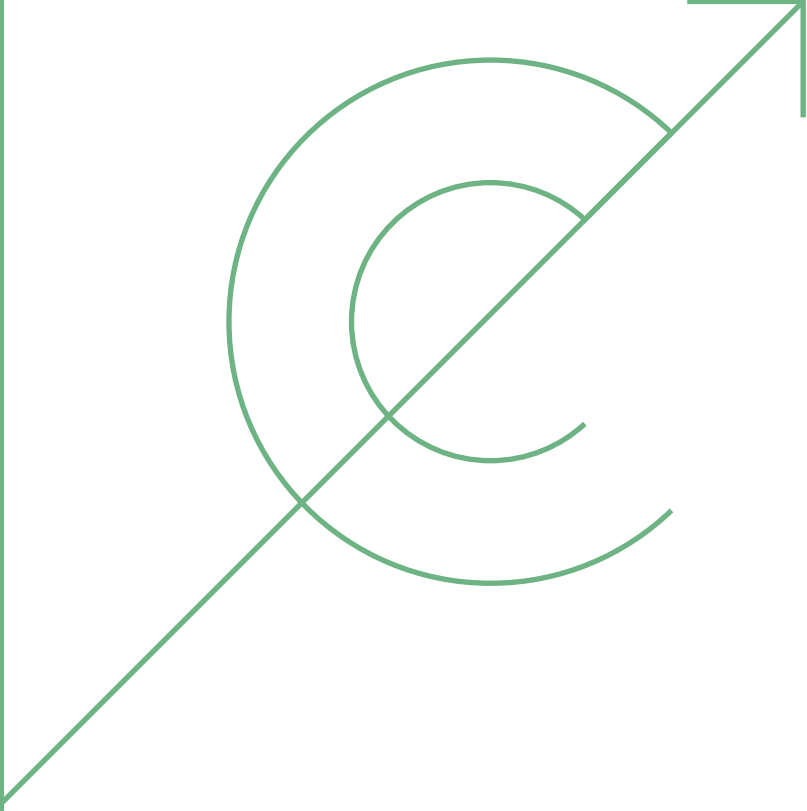


Guide to WIPO's services for country code top-level domain registries

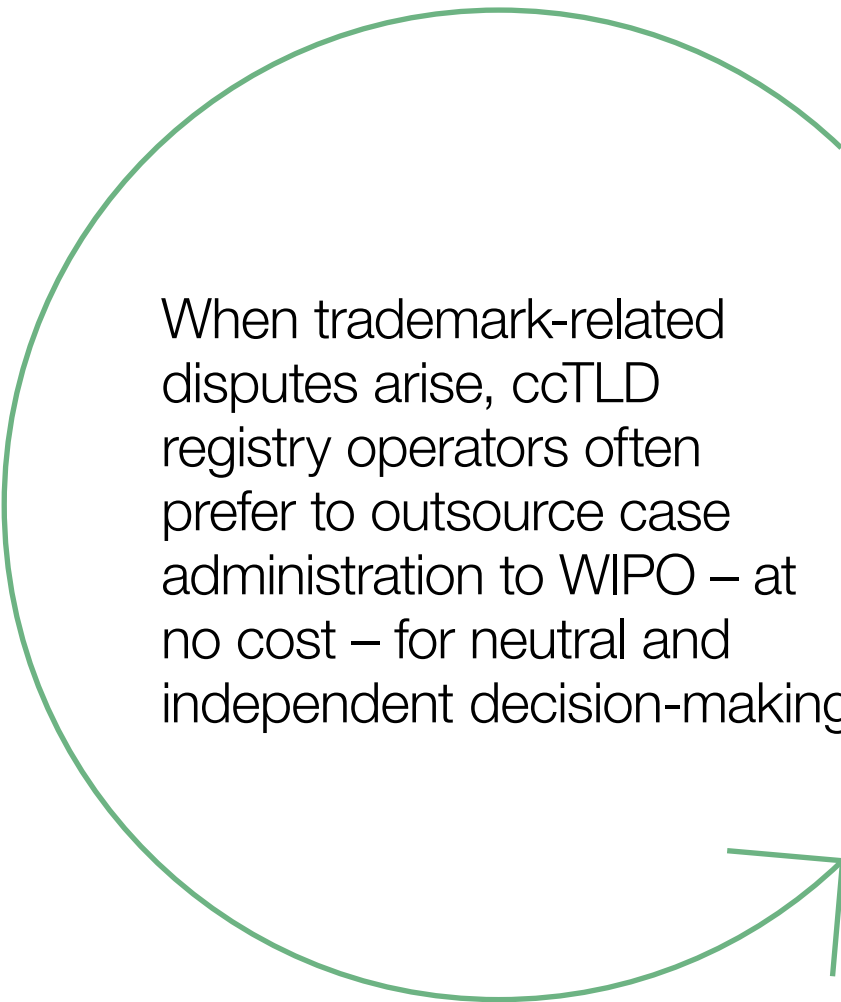


WIPO | ADR

Arbitration
and Mediation
Center



Domain name registrations across country code top-level domains (“ccTLDs”) serve as important local business identifiers. Their number continues to increase over time.



When trademark-related disputes arise, ccTLD registry operators often prefer to outsource case administration to WIPO – at no cost – for neutral and independent decision-making.

This guide presents ccTLD registry operators and national authorities with information on how to resolve third-party domain name disputes in a cost- and time-saving manner.

The guide explains the main policy design features of a successful Alternative Dispute Resolution (ADR) system.

It also provides information on the WIPO-created Uniform Domain Name Dispute Resolution Policy (UDRP) and the possibility to tailor the UDRP for specific ccTLD requirements.

WIPO can assist ccTLDs in a number of ways

There are a variety of national, economic, cultural, and linguistic considerations that are important for the ccTLD community.

To curb the abusive registration of domain names that conflict with intellectual property (IP) rights, and in particular to resolve disputes between third parties, WIPO's ccTLD Program can assist ccTLDs in the following ways:




Advice on registration terms and conditions




Advice on new dispute resolution policies



Tailoring and updating existing dispute resolution policies



Free email or phone "help line" and operational assistance



Case administration of IP-related domain name disputes at no cost to the ccTLD

Why choose WIPO as a dispute resolution provider?

- Outsources IP-related domain name disputes between third parties
- Reduces a need for the ccTLD to devote resources to case administration
- Reduces burdens on national courts
- Leverages WIPO's expertise as the creator of the UDRP as the international model
- Uses WIPO's independence and neutrality as a specialized agency of the United Nations
- Benefits from WIPO's international case experience
- Benefits from WIPO's diverse language capacity
- Accesses WIPO's free online filing resources
- Leverages WIPO's list of hundreds of specialized experts from a range of ccTLD nationalities
- Takes advantage of flexible legal and policy design experience.



WIPO's ccTLD Program

Since the introduction of WIPO's ccTLD Program in the year 2000, WIPO has provided ADR **policy advice** and related **case administration** services to many ccTLDs from around the world.

WIPO helps ccTLDs to adopt dispute resolution policies that adapt the international UDRP model to **local ccTLD needs** while meeting international standards of IP protection.

The effectiveness of ADR for resolving disputes concerning domain name registrations is reflected in the number of ccTLDs that have already adopted the **UDRP or a variation** for their national domains.

WIPO offers dispute resolution services to over 75 ccTLDs, and since the inception of WIPO's ccTLD program has administered over 5,000 ccTLD cases.

WIPO is able to partner with interested ccTLDs either through a simple exchange of emails or, on request, with a formal Memorandum of Understanding.

WIPO's global domain name dispute resolution services

Based in Geneva, Switzerland, the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center provides a range of ADR options for the resolution of IP disputes.

In the specific area of Internet domain names, WIPO has been extensively involved in establishing policies for the protection of IP in the Domain Name System (DNS) for over two decades.

The leading example of this is the UDRP, created by WIPO and adopted by ICANN (the Internet Corporation for Assigned Names and Numbers) in 1999.

WIPO is the global leader in domain name dispute resolution services, both for international domains (generic Top-Level Domains or “gTLDs”) and national (or territorial) domains, often referred to as ccTLDs.

WIPO and the UDRP

The UDRP covers disputes filed by trademark owners concerning infringing domain names. The UDRP applies to all gTLDs (such as .com, .info, .net, .org) and new gTLDs (such as .app, .site, .在线).

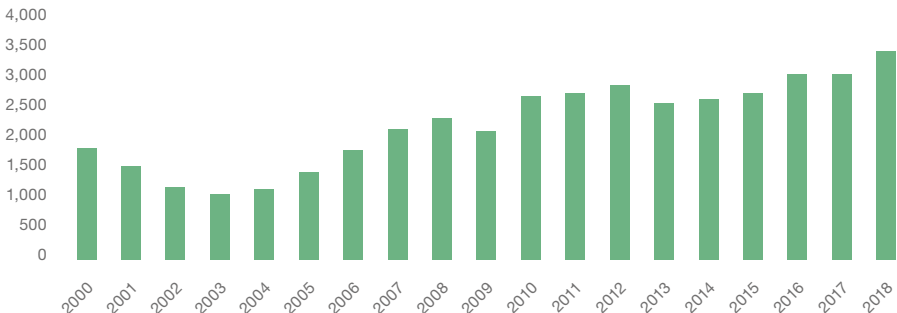
The UDRP itself, or a tailored variation, also applies to many ccTLDs that have adopted it on a voluntary basis.

Since WIPO began offering domain name dispute resolution services in late 1999, it has processed over 45,000 cases, filed by trademark owners from over 100 countries around the world.

WIPO Panelists appointed to a UDRP case – neutral, independent, and external experts – decide whether to transfer the domain name to the complainant based on the following criteria:

- i. the domain name is identical or confusingly similar to the trademark at issue, and
- ii. the registrant has no rights or legitimate interests in the domain name, and
- iii. the domain name has been registered and is being used in bad faith.

Total number of WIPO domain name cases by year





WIPO's UDRP filing resources

To assist their enforcement research and case preparation, trademark owners frequently use WIPO's online filing resources, available online and at no cost to parties.

Jurisprudential Overview

wipo.int/amc/en/domains/search/overview3.0

Legal Index

wipo.int/amc/en/domains/search/legalindex

Prior case search

wipo.int/amc/en/domains/search

Model case pleadings

wipo.int/amc/en/domains/complainant
wipo.int/amc/en/domains/respondent

UDRP training workshops

wipo.int/amc/en/events/workshops/2018/domainname

Domain name case statistics

wipo.int/amc/en/domains/statistics

Customer service email

arbiter.mail@wipo.int

More on WIPO Domain Name
Dispute Resolution:
wipo.int/amc/en/domains

Why consider adopting the UDRP rather than a tailored ccTLD-specific variation?

- Wide recognition by trademark owners around the globe
 - Global jurisdiction and enforceability
 - Time and cost efficiency
 - Predictable body of case law
 - Contractual simplicity through the mandatory applicability in registration terms and conditions
 - Direct decision implementation by registrars or ccTLD registry operators themselves
 - Environmentally-friendly
- paperless pleadings
 - Prevents “cyberflight” or forum shopping
 - “Appeals” to court still possible
 - Narrowly focused scope, limited to globally-recognized trademark law
 - Parties can consolidate gTLD and ccTLD domains in a single UDRP complaint to save costs.

Why consider UDRP variations?

Some ccTLDs prefer to tailor the UDRP to meet local circumstances (e.g., national economic, legal, or language considerations).

WIPO can help ccTLDs accommodate these individual circumstances by adjusting the UDRP model in a number of ways, such as:

- Type of rights to be covered (trademarks plus certain other nationally-protected identifiers)
- Language (typically English and the national language)
- Panelists (international, or only national)
- Appeals (limited to national courts)

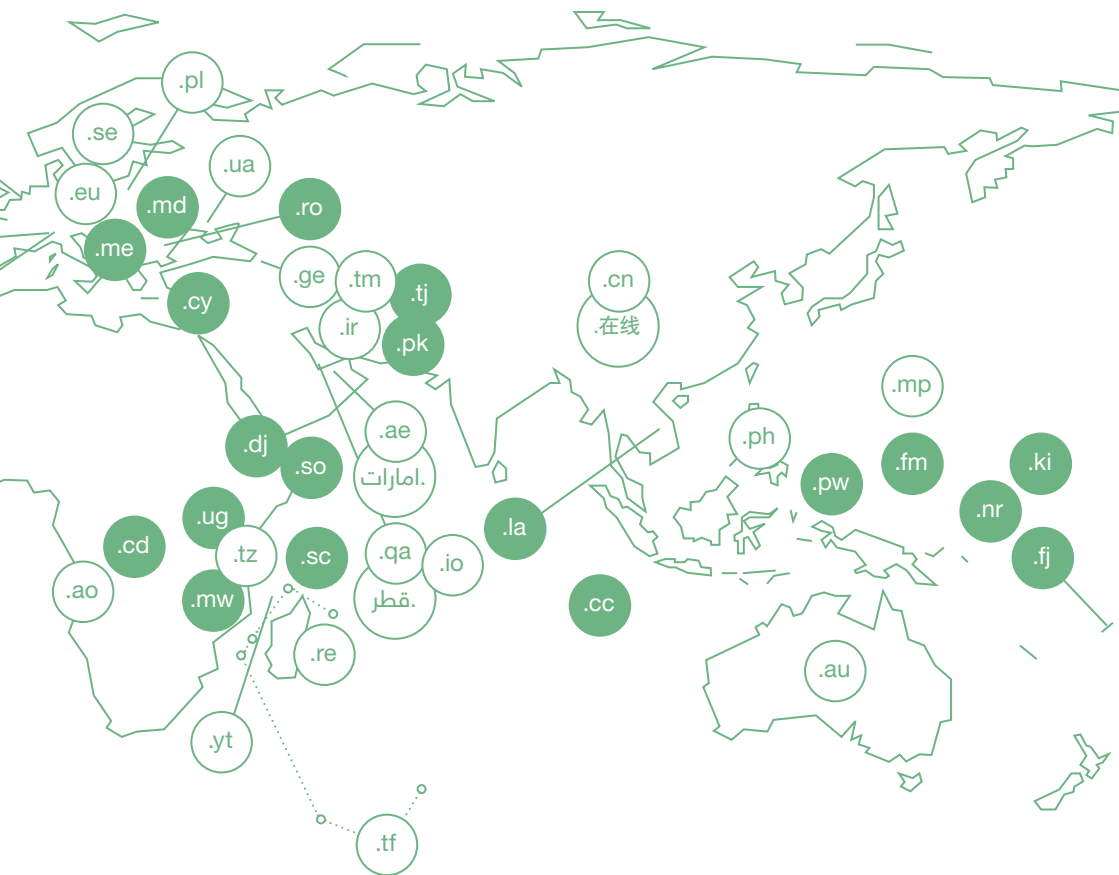
“The successful update of the .MX rules to utilize 100% electronic proceedings draws on the experience of the WIPO Center and illustrates our good collaboration. This update is beneficial not only for the parties involved but also for the environment.”

NIC-Mexico
The .MX Registry

ccTLDs adopting the UDRP ●



ccTLDs adopting UDRP variations ○



WIPO's ccTLD web pages

A reference tool for case parties and other interested stakeholders, WIPO's ccTLD resource pages include **easy-to-use comparison tables** highlighting the differences between each specific ccTLD's dispute resolution policy and the UDRP.

This information can help parties to decide whether and how to file a case.

For the over 75 WIPO-serviced ccTLDs, WIPO's ccTLD web pages provide information on:

- Registration conditions (e.g., eligibility criteria)
- Whois search tools
- Dispute resolution policy and procedural rules
- Model case pleadings
- Prior decision search
- Supported local language characters.

WIPO Domain Name Dispute Resolution Service for .EU

Country / Territory Code	.EU
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Country / Territory Name	European Union
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Whois Search	Whois Search
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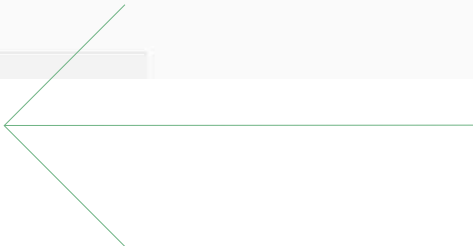
Dispute Resolution Policy	Regulation (EC) No 733/2002
	Regulation (EC) No 874/2004
	Regulation (EC) No 1654/2005
	Regulation (EC) No 1255/2007
	Regulation (EC) No 560/2009
	Regulation (EU) No 2019/517

Procedural Rules	Variation of UDRP
	.eu Alternative Dispute Resolution Rules (the "ADR Rules")
	WIPO Supplemental Rules for .eu Alternative Dispute Resolution Rules
	Relevant differences between the UDRP and the ADR Rules
	▶ Rights covered
	▶ Requirements
	▶ Bad Faith
	▶ Examples of Bad Faith
	▶ Mutual Jurisdiction
	▶ Remedies
▶ Language of Proceedings	
▶ Deadline for Response	
▶ Timing of decision	
▶ Implementation of decision	

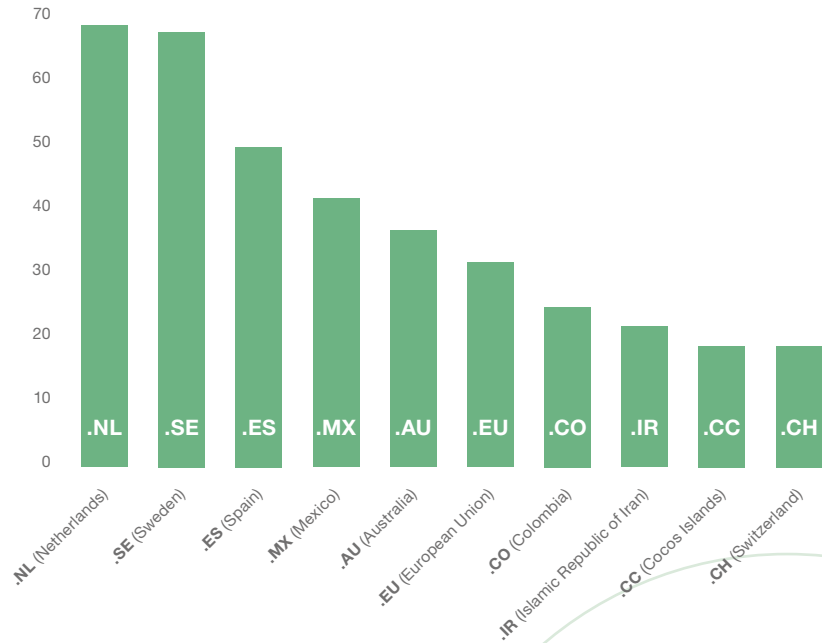
WIPO Model Pleadings	Complainant
	WIPO Model Complaint
	WIPO Model of Complainant's Request to change the Language of the ADR Proceeding
	Respondent
	WIPO Model Response

Fees	Schedule of Fees
-------------	----------------------------------

WIPO Toolkit
Panel Decisions
WIPO Model Complaint
WIPO Model of Complainant's Request to change the Language of the ADR Proceeding
WIPO Model Response
WIPO Model Response to Complainant's Request to change the Language of the ADR Proceeding
Schedule of Fees



Top 10 WIPO ccTLDs in 2018 by number of cases



WIPO has a proven track-record of successful partnerships with ccTLDs from around the world

“The UDRP is the only affordable and effective remedy open to brand owners for tackling cross-jurisdictional abusive domain registration. Across over 45,000 cases featuring more than 82,000 domain names, WIPO has demonstrated consistency, fairness and transparency. WIPO offers unique jurisprudential resources, its panellists are well-trained, and its decisions are reasonable and well-argued. Without the leadership of WIPO our brand-owning members would be much poorer and the consumers who rely on them would be exposed to the many perils that frequently accompany cybersquatting.”

MARQUES

The European Association of Trademark Owners

IP-focused Alternative Dispute Resolution

Apart from domain name dispute resolution services, the WIPO Center also offers time- and cost-effective ADR services for **all other types of IP disputes**. These services are neutral, international and non-profit.

Using WIPO Model Clauses, WIPO Mediation, Arbitration, Expedited Arbitration, and Expert Determination enable private parties to efficiently resolve their domestic or cross-border IP and technology disputes outside of courts.

The WIPO Center also collaborates with Member State IP Offices and Courts to raise awareness of the advantages of ADR to prevent and resolve IP and technology disputes.

More on WIPO IP
ADR services:
www.wipo.int/amc/en

WIPO Rules and Neutrals

The WIPO Mediation, Arbitration, Expedited Arbitration and Expert Determination Rules are generally suitable for all commercial disputes, and additionally feature provisions to address **specific needs in IP disputes**, such as provisions on confidentiality and technical evidence. Parties can draw upon an extensive database of international, independent WIPO **mediators, arbitrators, and experts skilled in IP and technology**.

WIPO Arbitration and Mediation Center

With offices in Geneva, Switzerland, and in Singapore, the WIPO Center offers ADR options such as mediation and arbitration to enable private parties to efficiently resolve their **domestic or cross-border commercial disputes**. The WIPO Center is international and specializes in IP and technology disputes. It has a strong focus on **controlling the time and cost of its proceedings**.



Photo: Maxwell Chambers Pte. Ltd.

WIPO Center's offices at Maxwell Chambers in Singapore



Photo: WIPO / Beirrod

WIPO Headquarters in Geneva, Switzerland

WIPO is here to help
your ccTLD with its
policy advice and case
administration needs.

National authorities or ccTLD registry operators interested in taking up this offer of assistance (at no cost), or wishing to explore further possibilities, are encouraged to get in touch with the WIPO Center at arbiter.mail@wipo.int or to visit wipo.int/amc/en/domains/cctld



“Since June 2017, EURid (the .eu and .eu registry) has benefitted not only from WIPO’s recognized case administration experience across a diverse range of languages, but also its policy advice for tailored updates to the .EU’s ADR policy.”

EURid

Registry manager of .eu and .eu



For more information contact

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