

# On the WIPO-ICA UDRP Review Project

**Background:** I registered a domain name in 2020 to build a website critical of an American lobbying group, the Family Policy Foundation, which advocates for anti-LGBT policies and laws. The lobbying group filed a UDRP complaint against me in 2024. Among other arguments, our response advanced a free speech argument. [The complaint was denied.](#)

Here are two complications I encountered with the UDRP process as it currently stands:

1. The **protections for free speech** are unclear. The Jurisprudential Overview states:

“In certain cases involving parties exclusively from the United States, some panels applying US First Amendment principles have found that even a domain name identical to a trademark used for a bona fide noncommercial criticism site may support a legitimate interest.”

As guidance, I find this statement vague. I remain unsure what my First Amendment rights are during the UDRP process or when I register a domain name; to determine if the First Amendment will even be applied in my case is guesswork. Thus I cannot easily discern when I am violating the rules.

In my hobby as an activist who intentionally antagonizes anti-LGBT lobbying groups, I find it most politically effective to select a domain name that will arrest the greatest amount of attention from the targeted lobbying group, other activists, and the media. For this purpose, the distinction between a well-targeted criticism website domain name versus a violation of intellectual property rights is crucial. Clarity on this distinction would benefit my noncommercial, free speech purpose.

My understanding is that WIPO considers free speech in domain disputes to be a small issue. For the purpose of trademark law that may be true, but to me as an ordinary user of the internet and as a political activist, it is a major issue.

2. The UDRP process allowed the Family Policy Foundation to **uncover my identity**. Though the process's central purpose is to render a judgment and prevent domain name squatting, the possibility of discovering identity represents an off-target use of the UDRP process which can be exploited by an adversarial actor. Even a spurious UDRP complaint may serve to uncover the identity of an activist who has created a criticism website, or any other domain name registrant; the registrant may then be harassed or intimidated by the target of their criticism even if the UDRP complaint has no merit.

In my case, this did not actually occur; the target of my criticism did not harass me using my revealed identity. But I feared that they might. This fear caused me to hesitate in responding to the UDRP complaint.