

Comments on the

INITIAL REPORT OF THE WIPO-ICA UDRP REVIEW PROJECT TEAM

June 27, 2025

Background

A research team from the Georgia Institute of Technology investigated how different provisions in UDRP have allowed involved actors – complainants, respondents, registrars, panelists and providers – to undermine the policy’s fairness and trustworthiness. Using state-of-art natural language processing models, we empirically measured the prevalence of forum shopping, assessed the presence of potential panelists’ conflicts of interests, and examined delays in the dispute process. The recommendations below are based on the findings in the full report available [here](#).

Executive summary

The current WIPO-ICA report provides valuable guidance toward a productive and non-disruptive review of the UDRP. We applaud them for their efforts. However, unlike what this report states, anecdotal evidence from experienced practitioners should *not* be the sole basis of policy updates. Such a process should be guided by the vast amount of data generated over the past 25 years of UDRP practice. Accordingly, based on our systematic analysis of a significant subset of this data covering 90,153 disputes, we make the following recommendations to the WIPO-ICA team to include in their report:

- Acknowledge the necessity of data-based analyses.
- Advocate for a standardized decision formatting among providers.
- Recommend automating the interactions between providers and domain registrars.
- Discuss the potential drawbacks of the proposal to systematically suspend domain names when respondents do not participate in the dispute.
- Acknowledge past occurrences of potential panelists’ conflicts of interest and suggest practical steps to mitigate those perceptions.
- Acknowledge the existence of forum shopping and discuss steps to mitigate its impacts on the dispute process.

We outline these issues below:

Empirical analyses of past disputes are needed for meaningful reform.

For the past 25 years, experts’ diverging opinions about the UDRP’s weaknesses have been a significant obstacle to meaningful policy reform. This disagreement has existed since the early days of the policy and was still noticeable in the public comments to ICANN’s 2022

[Uniform Domain Name Dispute Resolution Policy \(UDRP\) Status Report](#). The current WIPO-ICA report, which reveals experts' divergence over the most contentious topics, underscores the fact that relying solely on experts' opinions often only results in minor policy changes. To challenge the status quo, a thorough empirical analysis of past UDRP decisions should be conducted to assess the presence and prevalence of perceived problems. Such empirical analyses would ensure that actual problems are identified and addressed swiftly while irrelevant ones are dismissed. Given the recent advances in natural language processing (NLP), we believe that in-depth empirical analyses of the UDRP proceedings are feasible and should serve as a key factor in policy changes.

Decision formats should be standardized across Providers.

Even with advanced NLP models, the lack of standardized decision formatting makes systematic analyses of past disputes challenging. More debilitating is the wide difference between the set of details contained in each published proceeding. This inconsistency affects all providers, including WIPO, with important details -- such as key dates of the disputes and parties' addresses -- often absent from the proceedings. Notably, while the UDRP rules mandate in Paragraph 16b that providers should publicly share the date the registrar implemented the panel's decision, that information is absent from the vast majority of the proceedings.

To address those challenges, we believe that the current report should recommend that ICANN develop decision templates to be used across all providers. Alternatively, at the very least, there should be a recommendation for ICANN to engage with UDRP stakeholders and the relevant scientific communities to establish a list of details that every provider must include in their proceedings. Besides facilitating independent analyses of the policy, this change will help ICANN enforce compliance more effectively.

Interactions between UDRP Providers and Domain Registrars should be automated.

We endorse the proposal to educate registrars about their contractual requirements but also encourage WIPO to recommend automating certain aspects of the dispute process. In our study, we found that when providers requested registrars to confirm a registrant details, three quarters of them usually responded within the expected timeframe of two business days. However, we observed delays of one to twelve business days, affecting 11 percent of the disputes. Registrars' delays were particularly problematic for domain name transfers, with our results showing that almost three thousand successfully contested domains were not transferred for four months, during which they were actively being used in cyberattacks. Given the real-life security risks those delays can create, we believe that a recommendation

from WIPO in its final report for ICANN to establish an automated interface between registrars and providers to verify registrants' details would be highly beneficial.

Policies for panelists' conflicts of interest should be explicit.

Regarding panelists also acting as advocates, we acknowledge the complexity of deciding whether to permit or prohibit this practice. Rather than prohibiting it completely, we recommend that stakeholders should instead establish a set of common rules that should disqualify a panelist from deciding on a dispute. Using our curated dataset, we identified four highly active panelists who, within an average span of three years, had acted both as panelists and counsels for a given complainant. While such potentially conflicting behaviors only affected a few dozen disputes and seem reasonably well-spaced in time, their mere occurrence could negatively impact the perceived fairness of UDRP decisions. Therefore, we advise WIPO to advocate for a discussion among UDRP stakeholders to define conditions that systematically disqualify a panelist from deciding a dispute.

Defaulting respondents cannot have their domain names systematically suspended.

Through our empirical analysis, we found that depending on the provider, respondents who defaulted won between 2 and 8 percent of one-panel disputes and between 20 and 50 percent of three-panel disputes. Those results show that defaulting respondents can sometimes have legitimate rights to the domains being disputed. As such, the proposal to summarily suspend a domain name when the respondent does not participate in the proceedings could severely undermine fairness and encourage aggressive tactics by trademark holders. Accordingly, we believe that WIPO should either remove this proposal from its final report or, at the very least, clearly discuss its drawbacks relative to fairness and trustworthiness.

The final report should acknowledge the practice of forum shopping.

The UDRP has frequently been criticized for permitting forum shopping because complainants can submit their disputes with any provider. This concern motivated several scholars to study the problem, but their arguments left many UDRP stakeholders unconvinced that forum shopping was a real problem. Unlike prior work that focused on individual complainants, we revisited this issue of forum shopping by analyzing how legal representatives – who have clear incentives to win their disputes – select providers for their clients. In doing so, we found that nearly a third of past UDRP disputes were filed in a manner indicative of forum shopping behavior. Those data-driven results suggest the need for meaningful conversation on ways to mitigate the negative impacts of forum shopping on fairness and trustworthiness. Accordingly, we recommend that the final report addresses forum shopping and calls for a dedicated “Secondary track” in the upcoming policy review.

Conclusion

Although the current WIPO-ICA report provides valuable guidance for a productive review of the UDRP, we believe that an effective review of the policy that addresses longstanding challenges should leverage the substantial amount of data generated through the UDRP practice over the past 25 years. Based on our independent analysis of 90,153 disputes, we recommend 1) a proper utilization of the UDRP data in the review process, 2) a standardization of dispute proceedings across providers, 3) the automation of provider-registrar interactions, 4) the specification of clear conflicts of interest rules for panelists, 5) the dismissal of the proposal for an expedite summary dispute process, and 6) the acknowledgment of forum shopping as a problem affecting UDRP disputes.

Respectfully submitted by Vinny Adjibi.